



# **Should 'forced marriage' be criminalised?**

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Based on her John Sunley Prize winning masters dissertation

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## List of abbreviations and glossary

AHA	Ayaan Hirisi Ali Foundation
BME	Black and Minority Ethnic Groups
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
ENG	England
FMU	Forced Marriage Unit
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning
MENASA	Middle Eastern, North African, South Asian
NYC	New York City
UK	United Kingdom
US	United States
UDHR	Universal Declaration of Human Rights 1948
UNCRC	United Nations Convention on the Rights of the Child
<i>Desi</i>	a person of Bangladeshi, Indian or Pakistani origins
<i>Izzat</i>	honour
<i>Sharam</i>	shame
<i>Melas</i>	street fairs
<i>Mishti</i>	sweets

## **Abstract**

England and Wales criminalised forced marriage on 16 June 2014. The UK's robust and victim-centred response to forced marriage has also inspired actors in the United States (US), especially within policy, social service and academic realms, to consider the criminalisation of forced marriage. No empirical research, thus far, has captured or compared and contrasted the voices of victims, professionals, and community members regarding current responses to forced marriage, especially whether they believe that forced marriage should be criminalised, and what is meant by 'criminalising' forced marriage. My comparative research explored the opinions and experiences of 21 victims, survivors, and individuals who have been at-risk of forced marriage, 18 interviews with professionals from diverse backgrounds, and 60 informal interviews with people from South Asian backgrounds in both England and New York City (US). In doing so, my research poses a timely and relevant question: is there consensus among these groups on whether forced marriage should be criminalised? My findings show that all three groups of interviewees endorsed a non-punitive approach to addressing forced marriage, and I argue that there is a fundamental disjuncture between policy and practice. Policy is thought to have taken a victim-centred approach, but professionals working directly with the population, those personally affected by the issue, and community members, argue that current criminalisation is a double-edged sword that can both save and harm victims. In this dissertation, I add the perspectives and voices of victims and survivors to those of researchers, practitioners, policy makers, and law enforcement officials to the current debate and strategies around forced marriage. The outcome is an empirically nuanced study which exposes the gaps between policy makers and researchers, victims, and community members, with the aim of providing better ways to address the issue of forced marriage.

## Introduction

Forced marriage was criminalised in England and Wales on the 16<sup>th</sup> June 2014. The UK's robust, victim-centred response to forced marriage has also encouraged actors in the United States (US), especially within policy, social service and academic realms, to consider the criminalisation of forced marriage. Only six empirical studies in the UK and four in the US have explored victims' experiences with forced marriage, their needs with regard to services, as well as their perspectives on legal policies and responses. No empirical research, thus far, has explored or captured the voices of victims, professionals, and community members regarding current responses to forced marriage, and, in that vein, whether forced marriage should be criminalised, and what is meant by 'criminalising' forced marriage.

My comparative research explored the opinions and experiences of 21 victims, survivors, and individuals who have been at-risk of forced marriage in New York City (NYC) and England, 18 interviews with professionals from a range of backgrounds, and 60 informal interviews with people from South Asian backgrounds from both England and NYC in the US. In doing so, I posed a timely and relevant question: Whether, based on their experiences, my interviewees thought forced marriage should be criminalised? My findings show that amongst all three groups of interviewees, the majority favoured a non-criminal approach to addressing forced marriage.

I argue that there is a fundamental disjuncture between policy and practice. Despite the perception that policy has taken a victim-centred approach, professionals working directly with the population, those personally affected by the issue, and community members argue that current criminalisation can both help and harm victims. Individuals who are at-risk of forced marriage, in such marriages, or want to leave a marriage may want family members and others to be held accountable, but punishment does not appear to be the favoured response among most victims, survivors, individuals who have been at-risk, professionals, and members of the South Asian community. In my dissertation, I present the perspectives of victims and survivors and add their voices to the current debate over strategies on forced marriage with the hope that this information reduces the gap between policy makers and researchers and victims and community members.

My two primary research questions are:

1. Should 'forced marriage' be criminalised?
2. What does the criminalisation of forced marriage mean to victims, survivors, individuals who have been at-risk, policy-makers, professionals and researchers, and communities?

The purpose of this dissertation was three-fold. First, by drawing upon South Asian community members' experiences around forced marriage in London and NYC, I explored whether these communities believed forced marriage should be criminalised.

The second objective was to understand and evaluate the views of academic researchers, policy makers, social service providers and specialists, and police officers on forced marriage. Third, I interviewed individuals who were deemed to be at-risk for forced marriage, victims, and survivors of forced marriage in NYC and England, in order to understand their experiences, discern their personal perspectives on whether forced marriage should be criminalised, and discover their understanding of criminalisation and its consequences.

Chapter 1 provides an overall review of the academic literature on forced marriage beginning with the different conceptualisations of forced marriage and then the problems with definitions of forced marriage and the complexities in creating a distinction between forced and arranged marriages. I then discuss the current scope of forced marriage and its prevalence. Following this, I address forced marriage within a legal context, look into international, national, and local laws, and provide a brief overview of policy responses in the UK and US. This is followed by an in-depth review of the literature on forced marriage in the UK and US.

Chapter 2 focuses on methodology and an explanation regarding the choice of a comparative approach. I then describe the mixed-method approach that was used to collect data in England and NYC, including a discussion of the research process, methods, and strategies that were used to collect data and produce findings on South Asian community members; professionals, social service providers, policy makers, and police officers; and victims, survivors, and individuals at-risk of forced marriage, including a description of how interviewees were obtained. This is followed by an explanation of the analytical framework I employed to interpret the data. I end by highlighting the methodological limitations and challenges I encountered.

In Chapter 3 the findings are presented. I begin with the views expressed by community members in both London and New York about the importance of the issue of forced marriage to these communities. This is followed by what professionals in the two cities say about the nature and extent of the problem, especially with regard to its criminalisation. Finally, interviews with victims, survivors, and at-risk individuals offer the perspectives of the actors who are most directly affected by forced marriage. By comparing and contrasting findings from London and New York, an analysis of the narratives offered by these three broad groups will be used to provide further insight into the extent and severity of the problem, the degree to which it is seen and defined as a problem by various actors, and briefly assess the efficacy of current policies and practices that are designed to address the problem.

In the conclusion, I discuss one of my major findings: that whilst all respondents saw forced marriage as unacceptable and offensive, little support was expressed for criminalising it. Most interviewees favoured a preventative approach over a punitive response to forced marriage. I also briefly suggest implications and avenues for further research and current policy.

## 1. Forced marriage in context

### Literature review

Social scientists have conceptualised forced marriage in numerous ways. A number of theoretical perspectives and empirical approaches have produced results that stress distinct aspects of the issue (Samad and Eade, 2002). Over the last decade, research conducted on forced marriage in United Kingdom (UK) and the little exploratory research piloted in the United States (US) have revealed that forced marriage has been publically perceived as a harmful cultural, ethnic, and religious practice that affects women and girls of South Asian origin and/or Muslim background (Gangoli et al., 2006; Roy, 2011; Chantler et al. 2009).

Several scholars have contested this belief by critically assessing traditional practices and religious and marital laws and found that there is no link between ethnic origin and the nature of marriage (Phillips and Dustin, 2004) and that religious obligations and cultural practices have been 'misinterpreted in order to support patriarchal practices,' (Samad, 2010:190; Hassan, 1999; Gangoli et al., 2006). In fact, all religions condemn forced marriages (Maclean, 2013). Consequently, some have suggested that forced marriage emerges from 'diasporic experiences' rather than 'traditional practices' (Gangoli et al., 2006:4; Phillips and Dustin, 2004) and is built on familial- and inter-generational conflict over marital choices that results from parents and children growing up in different cultural and geographical areas (Samad and Eade, 2002; Marcus et al., 2014).

However, policy and media related discourses in the US and UK continue to frame the problem in a cultural and religious context, rather than as an issue that is a part of a much wider problem of violence against women (Anitha and Gill, 2009; Sri and Raja, 2013). Gill and Anitha pointed out that 'All women are located within a matrix of structural inequalities and thus must address powerful social expectations, pressures, and constraints in matters relating to marriage,' (2009:258). Similarly, Samad and Eade (2002) detected an overlap between free-choice, arranged, and forced marriages and Kelly et al. (2005) noted that forced marriage affects women all over the world. Consequently, some scholars have seen forced marriage as a function of patriarchy and a way to control, regulate, and correct women's 'transgressive sexual behaviour' or association with 'unsuitable partners' (Gangoli et al., 2006: 8; Gill and Anitha, 2011:174), including the lesbian, gay, bisexual, transgender and queer/questioning (LGBTQ) of an individuals' sexuality (Roy, 2011; Samad, 2010).

### Problems of definition

Recently, both on a practical and theoretical level, attempts have been made to clarify the difference between arranged and forced marriages. Slippage and confusion between the terms have made the differences between them blurred and indistinct (Gangoli et al., 2006; Carroll, 1998). Scholars understand that whilst there is a difference between arranged and forced marriages, there is also some overlap (Samad and Eade, 2002). In forced marriages, victims have reported experiencing a wide-range of violence from intimate partners, nuclear and extended family members, peers, or other third parties (Siddiqui, 2002). This often involves

coercion, emotional blackmail, financial control, mental abuse, and intense social pressure. In extreme cases, it may also involve physical violence, rape or sexual abuse, abduction, and false imprisonment (Hossain and Turner, 2002; Gangoli et al., 2006; Chantler, 2012). Scholars discovered that families apply various degrees of psychological and emotional pressure on individuals in order to find 'appropriate matches' for marriage (Gangoli, et al., 2006; Bredal, 2005). Since forced marriage encompasses a variety of coercive behaviours, more attention needs to be given to identifying the difference between forced and arranged marriages.

Other scholars consider forced marriage as a form of domestic, gender and honour-based violence or child abuse (Gill, 2004; Khanum, 2008; Gangoli et al., 2006; Brandon and Hafez, 2008). These scholars found that forced marriage sometimes occurs from the clash between gendered expectations and cultural concepts. For example, cultural codes of *izzat* (honour) and *sharam* (shame) – in which unmarried women should not express individual desire – make it difficult to target where consent ends and coercion begins in a marriage (Gangoli et al., 2006; Samad and Eade, 2002). As a consequence, cultural norms may result in a person seeing lack of consent not as a sign of forced marriage but rather as the result of persuasion, which is an accepted part of cultural practice.

Whilst familial pressure is more likely to be seen as coercive from a Western-bias perspective, the parties directly involved in the marriage or arrangement may understand their circumstances differently. Some have argued from a multicultural perspective that the Western idea of marriage should not be privileged over other, non-Western, conceptions (Razak, 2004; Wilson, 2007). However, other scholars have argued that multiculturalism may indirectly condone forced marriages (Phillips and Dustin, 2004; Volpp, 2000). Familial obligations, gendered expectations, and traditional practices of arranging marriages for individuals have further complicated the ability to locate 'force' in marriages. Because of the difficulty in defining 'force' in a marriage and in distinguishing between marriages that are forced, arranged, or the result of persuasion, gaps continue to remain in the research (Samad and Eade, 2002). As a result, effective social policy to prevent forced marriages has suffered because of the inability of researchers and practitioners to define the problem and estimate its size and scope.

### **Scope and prevalence**

Although research in the UK has revealed that forced marriage predominately affects women from the Indian sub-continent (Foreign Commonwealth and Home Office, 2005), forced marriage affects not only South Asians but also people from diverse countries, cultures, and communities; and not only women, but men and children as well (Tahirih Justice Center, 2011; Gangoli et al., 2006). In fact, scholars argue that forced marriage has no typical victim (Hester et al., 2008). In general, young women and girls are more prone to become victims of forced marriage than young men. As a consequence, activists and policy makers do not pay sufficient attention to the reality that men are also forced into marriage. The reasons behind this indifference can be attributed to the small number of cases involving men forced into marriage that have been reported to law enforcement officials, men's reluctance to address their predicament due to questions of masculinity, and above



all, the perception that forced marriage is an issue that only affects women (Samad, 2010).

Currently, there are no definitive figures on the number of forced marriages occurring in both jurisdictions (Chantler, 2012; Sri and Raja, 2013). Although the Forced Marriage Unit<sup>1</sup> (FMU) has collected data on incidents of forced marriage in the UK, this data is problematic because important details of the cases, especially the range of pressures and issues of consent, are omitted which limits the ability to understand the ways forced marriages manifest themselves. Thus, the conception of force is limited to cases where actual, physical force is presented and often does not recognise the emotional and psychological pressures. In the United States there is no organisation equivalent to the FMU and thus data on forced marriages has yet to be collected (Sri and Raja, 2013; Marcus et al., 2014). Another reason for the underreporting of forced marriage cases is that marriages are typically considered private family matters, and, consequently, remain hidden from public view. Individuals are also reluctant to come forward and report their experiences and seek help (Chantler et al. 2009). Thus, it comes as no surprise that data and empirical research on forced marriages in the UK and the US are limited.

### **Forced marriage and law**

Many scholars agree that forced marriage violates and breaches several international human rights standards and instruments, including Article 16 (21) of Universal Declaration of Human Rights 1948 (UDHR), Part IV-Article 16 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and Article 19 of the United Nations Convention on the Rights of the Child 1989 (UNCRC). Under these instruments, parties<sup>2</sup> are obligated to take positive actions to protect citizens from harm, including individuals subjected to the threat or act of forced marriage (Dauvergne and Millbrank, 2010; Gill and Anitha, 2011; Palmer, 2009).

On the national and local levels, forced marriage violates of The Marriage Act 1949 and Section 12c of the Matrimonial Causes Act 1973 that together constitute the legislation on marriage in England and Wales (Gill and Anitha, 2009); and marriage laws in the US that are established by individual states (Tahirih Justice Center, 2011; Sri and Raja, 2013). All the above – mentioned instruments, whether on an international, national or local level, highlight the element of self-determination – with emphasis on free will and full consent. Without such crucial elements, marriages are considered illegal or invalid.

### **An overview: Policy responses to forced marriage in the UK and US**

A substantial amount of literature demonstrates that the UK and US have taken measures to address and respond to forced marriage. Whilst the UK has organised and coordinated efforts to address forced marriage for over a decade, the US' efforts have begun more recently (Yetu, 2012; Alanen, 2011; Sri and Raja, 2013;

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<sup>1</sup> The Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office unit founded in 2005 to focus on forced marriage policy, outreach and casework (FMU, 2014).

<sup>2</sup> The US has signed the CEDAW, but has yet to ratify it.

Marcus et al, 2014; Tahirih Justice Center, 2011; Roy, 2011). Scholars argue that the US still lacks an official recognition of forced marriage and as a result a meaningful and tailored response to it – although the issue is present in policy and academic discourses and has been encountered by social service providers and specialists within the realm of domestic violence (Tahirih Justice Center, 2011; AHA Foundation, 2013). The US' responses are not nearly as victim-centred and robust as the UK's.

Most researchers and policy makers in England acknowledge that the UK's responses thus far may represent steps in the right direction. However, critics have argued that many policies are driven by politics and sensationalist media, especially those surrounding religion and culture (Wilson, 2007; Anitha and Gill, 2009; Saha, 2012; Razak, 2004). Moreover, these approaches have been seen as ineffective because they take a 'colonialist stance' to manage Black and Minority Ethnic (BME) groups, reinforce racist stereotypes, and are specifically anti- Muslim (Gill and Anitha, 2009:166; Wilson, 2007). In order to properly understand the past and current responses to forced marriage in the UK and US, it is first necessary to review the history of both nations' response (and lack thereof).

### **United Kingdom and the criminalisation of forced marriage**

The UK has a long-standing history of legal engagement on the issue of forced marriage (Anitha and Gill, 2009). In 1999, the problem was brought to the forefront of the Home Office's agenda when it 'hand-picked' a working group in order to *openly and objectively* 'investigate the problem of forced marriage in England and Wales and to make proposals to tackle it effectively' (Wilson, 2007:32; Home Office, 2000:10). The need to address forced marriage was accelerated by the publicity generated by three high-profile cases:

1. the murder of the teen Rukhsana Naz by her older brother and mother after she left her arranged marriage to a man in Pakistan and became pregnant by her lover (Hall, 1999);
2. the successful rescue and return of an adolescent British Sikh girl whose parents had taken her to India for marriage arrangements (KR, 1999); and,
3. the story of Jack and Zena Briggs, who were under the threat of death and forced into hiding when Zena's family hired bounty hunters after she refused to marry her cousin in Pakistan and ran away with her White-British partner (Watt, 1999).

In response to these cases, the Home Office Working Group on Forced Marriage published *A Choice by Right* (2000) and drew a distinction between forced and arranged marriages (Anitha and Gill, 2009; Wilson, 2007).

The report distinguished between the two forms of marriage by focusing solely on consent. An arranged marriage was defined as a process in which the family and community play a role in making a match or arrangements with the consent of both intending spouses, whereas in 'forced marriage' either one or both parties fail to give consent, or do so under some aspect of duress (Uddin and Ahmed, 2000;

Wilson, 2007). The sharp distinction was problematic for two reasons: 1) duress is a nebulous and restrictive concept that is limited to threats to life, limb or liberty (Wilson, 2007) and 2) the context in which consent is given is unclear and largely unexplored and therefore the experiences of each individual are complex and only able to explain a part of the general picture (Gill and Anitha, 2009; Shan, 1991).

The Home Office report 'called for a [public] debate on forced marriage and the debate was conducted by the media...where every tabloid [had] the power to choose key spokespersons and bring selected victims as evidence into the public gaze, whetting the appetite of their readers...' (Wilson, 2007:32). The report led to racially and ethnically invidious articles in the British press which cast suspicion on all arranged marriages, portrayed South Asian parents as less forward-thinking than their White counterparts, discounted girls and young women's agency, and contrasted South Asian women unfavourably with the 'liberated women of the West' who were deemed as 'educated, as modern, as having control over their own bodies and sexualities, and the freedom to make their own decisions' (Mohanty, 1988:65; Volpp, 2000; Wilson, 2007; Gill and Anitha, 2009).

The practice and threat of forced marriage in the UK has been addressed in terms of immigration and consequently, is understood as a transcontinental issue or a matter with an 'overseas dimension' (Wilson, 2007; Razak, 2004; Gill and Anitha, 2011; Hester et al., 2008; Dauvergne and Millbrank, 2010; Volpp, 2000). The Home Office and Foreign Commonwealth Office (2000) provided an understanding of the 'overseas dimension,' where individuals are convinced or put under duress to travel to the family's country of origin. At arrival to the country of origin, family members confiscate travel documents, limit access to telephones and other means of communication, and subject the victims to violence if they resist. At this point, victims realise they are being forced by family members to get married. In response to this 'overseas dimension', the UK raised the age for sponsorship and entry of a spouse for non-EU citizens from 16 to 18 in an attempt to end 'early marriages' (Chantler, 2012:177; Hester et al., 2008). But Hester et al. (2008) conducted an empirical study and found that increasing the age for sponsorship and entry of a spouse resulted in greater risks than benefits, including early engagement and risk of abduction. Some scholars have argued that the British state has used women's oppression in honour-based violence to legitimise immigration control and increase policing in and surveillance of BME communities (Wilson, 2007; Gill and Anitha, 2009).

In response to continued publicity surrounding forced marriage, in 2006, the Joint Foreign and Commonwealth Office and Home Office Forced Marriage Unit proposed new legislation to criminalise forced marriage as a specific offence (Wilson, 2007; Gill, 2004). Some scholars argued that the legislation was a hastily composed and superficial response that displayed limited understanding of the complexities surrounding victims and survivors of forced marriage (Gill, 2004; Wilson, 2007; Mookherjee and Reddy, 2005). Others argued that it would be an ineffective deterrent and would provide inadequate protection for victims (Gill and Anitha, 2009; Wilson, 2007) because i) the criminal burden of proof required in order to prosecute and the element of 'harmful intent' would be difficult to prove; ii) offences and abuses occurring in forced marriages could already be punished under existing laws, and iii) the law would increase racism towards certain communities. Women's organisations, leading researchers and community groups

strongly opposed the initiative (Wilson, 2007).

Such criticisms prevented the proposed legislation from being implemented. Instead, the Forced Marriage (Civil Protection) Act<sup>3</sup> was enacted in 2007. Under this Act, courts were able to issue Forced Marriage Protection Orders to prevent forced marriages from taking place (Maclean, 2007). However, activists and politicians continued to push to strengthen existing laws and called for 'speedier and more effective' responses to forced marriage as cases reported by the FMU increased steadily (FMU, 2014). More recently, the issue once again became the focus of media attention, policy debate, and public interest after the *Anti-social Behaviour, Crime and Policing Act 2014*<sup>4</sup>, came into force on 16 June 2014, which currently makes it a criminal offence to force someone to marry in England and Wales (FMU, 2014). Under this law, parents can be punished and imprisoned for up to 7 years.

## United States

In contrast to the UK, the issue of forced marriage in the US has only recently captured the attention of professionals (Roy, 2011; Sri and Raja, 2013). Forced marriage is virtually absent from the policy sphere, and does not appear in policing and domestic violence policy despite its recognition by social service providers and appearance in recent media discourses<sup>5</sup> (Bennhold, 2013; Roy, 2011; Tahirih Justice Center, 2011). As a consequence, there is little reliable data available to show the prevalence of forced marriage, the needs and challenges of at-risk individuals, survivors and victims, and the responses available to them (Sri and Raja, 2013; Marcus et al., 2014).

The only substantial data comes from a study conducted by the Tahirih Justice Center in 2011. Surveys were administered nationally to over 500 agencies to discover whether they had encountered any cases of forced marriage in immigrant communities. Nearly 3,000 cases of known and suspected cases of forced marriage were reported within a two-year span and forced marriages were found to occur in diverse national, ethnic, and religious contexts. Similarly, Sri and Raja (2013) surveyed South Asian students, domestic violence professionals, and refugee service providers and found that 'the practice of forced marriage does impact a wide variety of communities in the United States' (Sri and Raja 2013:38). Comparable to the findings in the UK, organisations working closely with South Asian immigrant communities reported that individuals facing forced marriage were frequently from India, Bangladesh, or Pakistan and of Muslim background (Roy, 2011; Tahirih Justice Center, 2011).

According to a recent AHA Foundation<sup>6</sup> (2013) report the problem exists in the United States: 'there are numerous reports of girls being taken out of school in the United States in their early teenage years and returned to their parents' home

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<sup>3</sup> For better understanding of the Act see: <http://www.legislation.gov.uk/ukpga/2007/20/section/1>.

<sup>4</sup> The Family Law Act 1996 was amended and new legislation on forced marriage was added. For full review of the Act see: <http://www.legislation.gov.uk/ukpga/2014/12/part/10/enacted>.

<sup>5</sup> See case of the American-Pakistani, Amina Ajmal, held captive in Pakistan and forced to marry [http://www.nytimes.com/2013/02/27/nyregion/brooklyn-man-accused-of-forcing-daughter-to-marry-in-immigration-scheme.html?\\_r=0](http://www.nytimes.com/2013/02/27/nyregion/brooklyn-man-accused-of-forcing-daughter-to-marry-in-immigration-scheme.html?_r=0).

<sup>6</sup> The AHA Foundation, founded in 2007, is a New York based organisation that advocates for victims of honour-based violence, including forced marriage (AHA, 2014).

countries to be forcibly married.' In addition, the U.S. Department of State (2013) considers forced marriage to be an abuse of human rights, has defined the problem, and made the protection of Americans affected by and experiencing this practice a high priority. Some women (and some men) are finally coming forward to report the challenges that they experience with forced marriages in the US and the lack of services available to help them (Alanen, 2011).

In the US, marriage laws are individually governed by each state (Tahirih Justice Center, 2011). At present, nine<sup>7</sup> out of fifty states have laws against forced marriage (Tahirih Justice Center, 2011). Some scholars reviewed all legislation on forced marriage and discovered that definitions under current laws and frameworks were not 'comprehensive' and 'encompassing' (Sri and Raja, 2013:7). Whilst the statutes included a wide-range of coercive behaviours and abuses that are said to occur in forced marriage, the important element of free and full consent necessary to validate a marriage was absent from the definitions. As a consequence, very few states are able to protect victims from forced marriages.

New York is not one of the nine states with laws on forced marriage, even though the few research studies conducted in the US and New York, (specifically in Middle Eastern, North African, and South Asian communities (Marcus et al., 2014), and African immigrant communities (Yetu, 2012)) have found that forced marriages have occurred within the five boroughs of NYC. Researchers have suggested that within these communities, forced marriage is an inter-generational conflict over marital choice, where first and second generation Americans with im (migrant) parent(s) and grandparents have reported to experience (or know of someone who has experienced) a range of emotional, psychological and sometimes physical pressures by family members, peers, and others to get married (Marcus et al., 2014; Yetu, 2012). These empirical studies have been only able to provide some context in terms of the degree to which forced marriage happens in the US and more specifically NYC. However, the paucity in the literature and lack of reliable data on forced marriage has limited our understanding of the issue and how it affects various communities in the United States, including New Yorkers. As a consequence, protocols and services for reducing forced marriages are virtually non-existent and inadequate where they exist.

Overall, the research in the UK and US has suggested that the contextualisation of forced marriage in both jurisdictions has been framed under religion and culture. Victims, survivors, and individuals who have been at-risk have reported to have been pressured (physically, psychologically, and emotionally) by similar factors and actors. Whilst the UK's response to forced marriage follows from over a decade of research and practice, the US' experience is only a few years old and the US to date has made little effort to recognise or address the problem of forced marriage. Whilst the UK has criminalised forced marriage, advocates in the US have started to recognise the issue and are currently thinking about how to respond to it. Included in those efforts is the question whether criminalisation is a discussion that needs to occur in order to inform policy and practice. I chose to conduct an empirical study that compared NYC and England as they both have taken dramatic

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<sup>7</sup> For specifics, see: <https://globaljusticeinitiative.files.wordpress.com/2011/12/forced-marriage-laws-of-the-us-states-alanen.pdf>.

steps to address the issue of forced marriage (UK criminalising forced marriage, US recognising forced marriage) and because there have been very few empirical studies in the UK (six) and US (four). In doing so, I was able to explore and encapsulate the voices of victims, professionals, and community members regarding current responses to forced marriage, and, in that vein, whether forced marriage should be criminalised, and what is meant by 'criminalising' forced marriage.

## 2. Methodology

### A comparative study

If given more time and resources, it would have been preferable for me to study forced marriages in all communities where cases have been reported and recorded. But due to these two limitations, among others, I chose to study forced marriage in South Asian<sup>8</sup> communities<sup>9</sup> in New York City (NYC), US and London, UK. Studies have shown that these areas contain communities where forced marriage has occurred (Marcus et al., 2014; Samad and Eade, 2002). These are also communities I know well and could identify with as a Muslim woman who was born in Bangladesh, moved to NYC, and was raised by grandparents and parents who grew up and matured into adults in British-India and East Pakistan, respectively.

The comparison of the experiences with forced marriage of South Asians in London to those in NYC was carried out with the intention of questioning the recent criminalisation of forced marriage in the UK and the proposed criminalisation of forced marriage in the US with populations that have been reported to practise forced marriage; the response of victims, survivors and individuals who have been at risk of forced marriage; as well as the opinions of professionals who have worked on this issue in some capacity during their careers. It is once again important for me to emphasise that forced marriage is not restricted to these communities or areas. In addition, I hope that my study does not further stigmatise this group of people, encourage or reinforce stereotypes, or undermine any individual's or community's experiences, wants, or needs by placing them within the categories of 'South Asian', 'New York City, US', or 'London, UK'. I acknowledge that on some level these communities' experiences are similar; however, they differ in multiple ways, and whenever possible I try to acknowledge those distinctions in this dissertation.

Researchers have reminded us that '[t]he very nature of forced marriage means that individuals experiencing such marriages are a 'hard to reach' group,' (Chantler et al., 2009:92). This population is difficult to access primarily due to their vulnerability (Samad and Eade, 2002). Researchers have identified at least three reasons why it is difficult to conduct research on this population. Firstly, individuals are reluctant to report their experiences and circumstances to the police, social services, or other professionals because they may find it risky to turn against family and/or other parties involved; secondly, they may not recognise that they are at-risk of or fail to

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<sup>8</sup> A majority of the forced marriage cases reported thus far have occurred in South Asian communities, more specifically Pakistani, Bangladeshi and Indian communities. Research and data also reveals that forced marriage takes place among other communities, for example in African, Middle Eastern and some Eastern European communities. For more information and statistics on this matter see report on forced marriage by the National Centre for Social Research in the UK: <http://www.natcen.ac.uk/media/23519/forced-marriage-prevalence-service.pdf> and by the Tahirih Justice Center in the US: <http://www.tahirih.org/site/wp-content/uploads/2011/09/REPORT-Tahirih-Survey-on-Forced-Marriage-in-Immigrant-Communities-in-the-United-States-September-20115.pdf>.

<sup>9</sup> In this dissertation, the terms 'South Asian community' or 'South Asian communities' refer to people with Bangladeshi, Indian or Pakistani origins living in the same geographic areas (London and New York City) or having a particular characteristic (in this case experiences around forced marriage) in common. It should be noted these communities are not internally homogeneous.

perceive their experiences as 'forced marriage' before, during, and/or after; and thirdly they may find it difficult to talk about their experiences, as is common with many other forms of abuse (Chantler et al., 2009; Samad and Eade, 2002). These barriers make it difficult to obtain reliable quantitative data and develop accurate measures of the prevalence of forced marriage (Chantler et al., 2009; Hester et al., 2008; Samad and Eade, 2002). Given the multiple access problems pointed out by other scholars, the most logical approach for the present study (given time and resources available) was a mixed-method research strategy that privileged the qualitative component of the project and generated rich data. This approach allowed for a degree of triangulation to validate findings and provided enough breadth to let patterns emerge.

## Data collection

Data was collected between December 2013 and August 2014. I spent at-least one weekend every month in London starting mid-December and ending late-April, and every weekend during the month of May, talking with community members about forced marriage and with people who were at-risk for or in a forced marriage.<sup>10</sup> In May 2014, my professors put me in touch with professionals that work(ed) on forced marriage in England, and they in turn referred me to their clients. From May to early July, I conducted interviews with victims, survivors, those at-risk of forced marriage, and professionals. From early July to late August, 2014, I conducted interviews with similar populations in NYC.

The data<sup>11</sup> for this comparative study of forced marriage in London, England (ENG) and New York City (NYC) include:

- 21 semi-structured interviews with male and female victims, survivors and those at-risk of forced marriage predominately of South Asian backgrounds, ranging from ages 18 to 45: (10 ENG; 11 NYC)
- 18 interviews with professionals from a range of backgrounds: 5 experienced researchers (2 ENG; 3 NYC), 7 social service providers (3 ENG; 4 NYC), 3 police officers (2 ENG; 1 NYC), and 3 policy makers (2 ENG; 1 NYC)
- 60 informal interviews<sup>12</sup> with people from South Asian backgrounds that took place in public spaces, at social and community gatherings (for

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<sup>10</sup> Those interviewees who said they identified as victims, I put under the victim category, those that said survivor, I put under survivor, and those who did not identify at all, I put under at-risk because I think that otherwise they would not have participated in my study if they did not think they were pressured or wronged at some point, especially as all the people were referred to me as victims, survivors, and individuals who had been or are at-risk. In addition, I used a 5 category checklist developed by the *Forced Marriage Unit's Multi Agency Practice Guidelines* (Stobart and Forced Marriage Unit, 2009) to identify people at-risk of forced marriage. All the men and women fit at least 2 of the 5 categories.

<sup>11</sup> See Appendix A for full demographics.

<sup>12</sup> These interviews happened by chance and whilst no formal data was collected, notes (sometimes extensive) were taken and they are included here because they provide valuable information.



example: *melas* (street fairs), curry houses and grocery stores and shops), and with attendees of an all-day 'Conference on Forced Marriage and Female Genital Mutilation' that was held at the Kassam Stadium, Oxford on 17th June, 2014.

## Research process

During December 2013, I made my first trip to Bethnal Green, London, as per my parents' request to spend time with my aunts, uncles, and cousins some of whom I had met twice on summer vacations in Bangladesh. I had never met some of these family members before and others I was meeting again for only the third time. Initially, I did not plan to collect data or do fieldwork or any work for that matter during my visit. But before meeting my family when I arrived, I roamed around Bethnal Green, snapped pictures like other tourists, and walked in and out of Bengali shops. What I did not realise at the time was that I was behaving like an outsider in a community that perceived me to be one of them – an insider. It occurred to me that I should take advantage of that perception.

Whilst visually I resembled people in the community, I was not a British-Bangladeshi, but an American-Bangladeshi studying abroad. This distinction was not completely apparent to me until I walked into a sweets shop, gawked at the multi-coloured *mishṭi* (Bengali sweets), and asked the male cashier if I could try a sample – a marketing strategy so common in NYC and often used by me to ensure that my money was well spent. The cashier chuckled, gave me *mishṭi* and asked, "Whereabouts in America are you from?" At that moment I felt foreign. My American accent and tourist-y behaviour gave me away. It was now established – I was not one of them. I told the cashier that I was from NYC and was studying at Oxford for my Master's. He then asked what I was studying and when I answered, I found my research interests surprisingly welcomed and this allowed me to get his opinion and perspective on the issue of forced marriage. From then on, I used my double identity – insider and outsider – to naturally spark two-to-five minute informal interviews with people about forced marriage in several other Bangla towns in London and I jotted their responses in a notepad afterwards. To my surprise, the strategy worked most of the time – people were, in fact, aware of the issue and how it affects their community. They shared their insights and opinions and gave me ideas as to what my research should and should not focus on. In two cases, my contact details were passed on to people who I could potentially interview for my study, which I eventually did. Of course there were also times when my strategy failed; people seemed puzzled after asking where I was from and some were not impressed with my response that I moved to England to study for a Master's degree and to conduct research on forced marriage.

My double identity was once again apparent when my professors put me in touch with UK professionals who work(ed) on forced marriage in some capacity. To some degree, I was seen as graduate researcher who was professionally and personally committed to the elimination of forced marriage just like them, but at the same time forced marriage was frequently reported and perceived as an issue in South Asian, Muslim communities in the UK (Samad and Eade, 2002) – an identity I share to some extent. The professionals I interacted with were predominately White-British social service providers who referred me to their clientele (with their clientele's

permission) or forwarded my contact information to them. In total, eight participants were referred to me from professional contacts. One professional invited me to attend the 'Conference on Forced Marriage and Female Genital Mutilation' at The Kassam Stadium in Oxford that a wide-range of professionals<sup>13</sup> attended. At the conference, I advertised my study, networked with several people with extensive knowledge about the topic, exchanged contact details, and invited them to participate in an interview with me and relate their experiences working on forced marriage and share their views on the current criminalisation debate.

In NYC, my experiences with data collection were different and largely shaped by my undergraduate research experience. As an undergraduate at John Jay College of Criminal Justice, I served as a field researcher for a study that explored forced marriage in NYC among people from Middle Eastern, North African and South Asian communities. As part of that research team, I interviewed women and men who had experienced some degree of forced marriage or had family and/or friends who did. The contacts I established with interviewees and professionals through that study were also used to collect data for my present comparative project; except this time, I had a different research aim and asked a separate menu of questions.

Contacts established in NYC were also useful in London: Steven<sup>14</sup>, a White-American acquaintance who was in a long-term relationship with an American-Bangladeshi woman, knew of my research interests and urged me to talk with his ex-girlfriend, Zara, whose parents had demanded that she end their relationship, and who was then taken to Bangladesh and forced to marry. He forwarded my information to her and she called me some time in March when I was still in Oxford. I listened to Zara's story for two hours and she was very instrumental during the interview stage of my project. She provided me with tips as to what kinds of questions to ask victims, survivors, and those at-risk, and how to ask questions and probe for further information. Zara and I stayed in touch for the entirety of the comparative study and when I returned to NYC in early July of 2014 to continue my fieldwork, she put me in contact with others who shared similar experiences. This snowball sampling strategy led me to interview several other victims, but due to time restrictions I was only able to interview 11 people in NYC who were at-risk of a forced marriage, in a forced marriage, or leaving a forced marriage.

As far as informal interviews with community members in South Asian communities in NYC are concerned, I did not have to put in nearly as much effort to talk to people about forced marriage because it was not an issue that was highly stigmatised, covered regularly by media, or seen as an issue by policy makers, researchers and social service providers in predominately South Asian, Muslim communities. People were often open to sharing their ideas, opinions, and perspectives on the issue.

For victims, survivors, and those at-risk in England and NYC, I asked open-ended

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<sup>13</sup> The conference was attended by 'more than 230 people from a wide range of sectors and organisations, including police, local authorities, education, health, probation, charities and the Crown Prosecution Service' (Thames Valley Police, 2014).

<sup>14</sup> Pseudonyms are used throughout for all participants interviewed for this study in order to anonymise the data. Bearing that in mind, personal details, such as ethnicity, religion, organisation, or institution, are not provided except where it is considered appropriate and relevant to the analysis, and where anonymity can be ensured.

questions about individuals' circumstances and experiences leading to marriage; whether they thought that 'forced marriage' should be criminalised; what was meant by criminalisation; what kinds of actions or interventions would have helped them or put them at greater risk, among others.<sup>15</sup> All interviews were conducted based on participants' preferences in terms of the environment for the interview and the medium. Whilst some preferred to be interviewed in person, others were more comfortable having the interview conducted over the phone, via Skype, and in one particular case, through text message.<sup>16</sup> Twenty interviews were audio-recorded. On average, interviews lasted anywhere from 45 minutes to 120 minutes. All interviews were transcribed and over 180 pages were analysed thematically to produce findings.

For professionals in England and NYC, questions were semi-structured and asked about their past and present work surrounding forced marriage; their years of experience and the capacity of their work; and whether they thought that forced marriage should be criminalised. All interviews with professionals were conducted based on participants' preference for the environment of the interview and medium; a majority of the interviews (10) were audio-recorded, but the remaining were not recorded at their request. In cases where interviews were not audio-recorded, detailed notes were taken.<sup>17</sup> On average, interviews with this group lasted from 30 to 45 minutes. All interviews were also transcribed and over 150 pages were analysed thematically to produce findings.

### **Analytical framework**

I employed the 'bottom-up approach,' (Gadd et al., 2012) where I collected empirical data from different audiences in England and NYC for nine months. At the end of the data collection phases, I read through all transcripts and looked for various ways community members, professionals, victims, survivors and individuals who have been at-risk answered my research question ('Should "forced marriage" be criminalised?'). In doing this, I paid attention to recurring themes, comments, and concerns, for example, common reasons interviewees did or did not want forced marriage criminalised. Therefore, the conclusions and findings for the present study are strictly drawn from empirical evidence and incorporate no prior knowledge.

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<sup>15</sup> The questions were not asked in any specific order, but were asked at some point during the interview. For the full interview script and list of questions used to conduct interviews with victims, survivors and those who have been at-risk, see Appendix C.

<sup>16</sup> Bina, a housewife, was taken overseas, forced into a marriage by her older brother and currently lives with her husband and other family members in NYC. For the purposes of her comfort and safety, she requested for me to conduct the interview through mobile text messaging and I obliged.

<sup>17</sup> Professionals were often asked to speak slowly or repeat themselves, especially for the primary research questions, such as 'Should "forced marriage" be criminalised?' and 'What is meant by criminalisation?', so that their responses could be noted verbatim. For the interview script and questions used to conduct interviews with professionals, see Appendix D.

## **Challenges and limitations**

There are three challenges and limitations, which are important to highlight. First, all participants interviewed were to some degree vulnerable, granted that some parties were more vulnerable than others, but nonetheless vulnerability can elicit partial responses or socially desirable answers (Islam, 2000; Bucerius, 2014). The way(s) in which the participants in the study perceived me (whether as a graduate student researcher, a member of the South Asian community, a foreigner, 'one of them,' among other perceptions) may have also influenced their choice to participate in the study, what they said, and how they said it. For example, victims, survivors, and those at-risk may have disclosed a part of their story to avoid further vulnerability. In this vein, professionals whose work focused on forced marriage were also a vulnerable population. These individuals were often affiliated with organisations and institutions with specific agendas and missions; as a result, these restrictions played a large role in how much or how little they could speak about the issue without being reprimanded by their employer. In addition, although I knew some of the interviewees from my previous experience and had developed a professional relationship with some, I made a conscious effort to present their views as objectively as possible. Despite my efforts, their responses might have been influenced by my previous encounters with them.

Second, as already highlighted, forced marriage has been commonly associated with South Asian and/or Muslim communities, and therefore, I was anxious that the research might be used to further stigmatise these communities or reinforce stereotypes. For this reason, I decided mid-way during the study to include people from other communities who were affected by forced marriage in England and NYC.

Third, given my prior experience on conducting research on forced marriage, one lesson I took away as an undergraduate was that most individuals do not recognise their experiences as 'forced marriage', but generally acknowledge that their decision to marry was influenced by several factors and actors. Bearing that in mind, I avoided using the term 'forced marriage' and used 'pressured to marry' instead. This allowed participants to talk about more subtle forms of pressure and a much wider range of experiences. But precisely this quality of the research – that people have differing opinions about the topic or willingness to discuss it – is a limitation to the present study because it will undoubtedly omit those people who do not define themselves as victims. As such, the data collected for this study underscores the idea that the definition of forced marriage is a socially constructed one, and that there is a serious disjuncture between individuals' definitions and definitions outlined in policy and practice.

### 3. Findings

#### Overview of data

Discussions and informal and formal interviews were conducted in NYC and England with South Asian community members; social service providers, specialists, academic researchers, police officers, and policy makers; and victims, survivors and at-risk individuals. In these discussions and interviews, a consensus of opinion emerged. Whilst all respondents saw forced marriage as unacceptable and offensive, little support was expressed for criminalising it. In fact, most interviewees preferred a preventative approach over a punitive response to forced marriage. The reasons for the resistance to or tepid support for criminalisation are individually outlined for each group of respondents.

The findings begin by reporting the views expressed by community members in both London and New York to understand better the degree to which forced marriage is an important issue in their community. This is followed by what professionals in the two cities say about the nature and extent of the problem, especially with regard to the criminalisation of the practice. Finally, interviews with victims, survivors, and at-risk individuals offer the perspectives of the actors who are most directly affected by forced marriage. By comparing and contrasting findings from London and New York, an analysis of the narratives offered by these three broad groups will provide insight into the extent and severity of the problem and the degree to which it is seen and defined as a problem by various actors and will provide a basis to assess the efficacy of current policies and practices designed to address the problem.

#### Discourses on the criminalisation of forced marriage

##### ***South Asian communities: Criminalisation is ineffective and stigmatising***

South Asians<sup>18</sup> in New York City (NYC) neighbourhoods (Astoria, Parkchester, Jackson Heights, Ozone Park, Bay Ridge and Kensington) and London neighbourhoods (Brick Lane, Bethnal Green, Southall and Angel) thought the practice of forced marriage was inadvisable. However, they believed criminalising the practice would not be practical and believed criminalisation would not end forced marriage. In addition, they feared criminalisation would stigmatise victims, their families, and the communities to which they belong.

##### ***England***

There was a shared view amongst male and female South Asians in London that mainstream media has made a concerted effort to publicise 'forced' marriage as an unsavoury attribute of their ethnic community, which resulted in the practice being criminalised in England. Londoners expressed their discontent in the ways the media broadcast lurid stories about forced marriage – emphasising the victims' ethnicities and their community of residence – which they felt was inappropriate and did a disservice to the victims and their communities because it attached a specific ethnic

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<sup>18</sup> See Appendix B for maps of the locations of the South Asian communities included in the study.

identity to the problem and made certain groups of people appear to be criminal. Most South Asians were insulted by the media coverage and they often responded by noting that individuals from any background or nationality can be forced to marry.

Whilst South Asians in London felt that it would be unfair to victims and others to claim that 'forced marriage' did not exist in their community (ethnic and geographic), the majority of them commented that they did not know of anyone who was physically forced to marry; most of their family members and friends had either love<sup>19</sup> or arranged marriages, and in all instances, the intended spouses had a choice and their respective families' involvement in the decision-making process was both welcomed and appreciated.

Rina, a British-Bangladeshi woman in her twenties was typical of the attitude among community members: she talked about the pressure that young women are under to get married before they are too 'old' and the way family ties are mobilised to ensure a secure and, maybe, happy future:

*I'm not against arranged marriage. However, there is a negative air about that term that puts everyone off. I assume many times people think it is interchangeable with 'forced' marriage. Although (at least around me) there isn't literal force taking place, there is still a lot of emotional manipulation parents pose that hurts the young person's self-esteem. We begin to worry about all the notions that our parents put into our heads – we're too old; no-one thinks we're pretty enough; we're no longer suitable for marriage; we don't care about our parents, hence we are not thinking about what makes them happy as opposed to ourselves, and the list goes on. I think the stress that the youth feels from all of the pressure is what sustains the idea of negativity and forcefulness around the term 'arranged marriage'. Otherwise, I don't believe 'arranged marriage' in its purest form (whatever that might be) is actually anything negative. If your friends can introduce you to someone, why can't a parent/parent figure? At the same time, I can see how our judgment of the whole idea can become so clouded.*

Rina's last comment about 'clouded' judgment was an acknowledgement of the changing attitudes, orientations and behaviours of a new generation of South Asians, one that has been influenced by the media coverage of marriage in their community and by greater contact with the world outside of their once tight-knit community. In addition, her comment highlights the ambiguous role of persuasion in arranged and forced marriages.

Only a few Londoners said that they knew people who experienced pressure to get married, but they insisted that they did not know anyone who was literally forced to do so. In general, South Asian Londoners expressed the opinion that the

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<sup>19</sup> Love marriages are understood to be instances where two people consent to marry as a result of their mutual affection.

criminalisation of forced marriage would not eradicate the problem, but instead would bring greater media coverage that would endanger the victim and stigmatise the community he or she belongs to. Increasing media coverage would discourage victims from choosing to criminalise their parents because they would not want to be personally broadcasted on national television.

### **New York City**

In contrast to male and female Londoners, South Asian community members in NYC did not find that the media had played a leading role in stigmatising their communities (ethnically and/or geographically) or widely and unfairly broadcasted that 'forced marriage' is a cultural tradition or a religious practice specific to South Asians or to the neighbourhoods they live in. New Yorkers, however, discussed the ways in which some media stigmatised the victims' communities and portrayed forced marriage as a cultural and religious practice that was unique to them (when clearly, it was not).

New Yorkers, too, expressed their discontent about recent media coverage on forced marriage and the ways in which the media released the victims' personal details (name, ethnicity and area of residence) and publically shamed them, their families, and their communities on national television. Similar to Londoners, New Yorkers said that the criminalisation of forced marriage and the biased media coverage that follows when an individual decides to seek help would not stop the problem, and would, in fact, exacerbate it because it harms the victims and their families more than it helps them, and indirectly criminalises the community that he or she lives in or belongs to.

New Yorkers also stated they did not know of anyone who was literally forced to get married, but they acknowledged that they knew of many people in arranged marriages who experienced subtle 'forces' to get married. These 'forces' are often mental and emotional pressures rather than physical, and they are applied by nuclear and extended family members, and sometimes even the person's own conscience.

Archana, an, American-Bangladeshi woman in her mid-twenties talked about the pressures to get married:

*There are a lot of youth who decide to marry because they feel it is what their parents want. Why is this? I wonder about the thought process behind this because sometimes it takes me aback that our own generation doesn't realise the immensity in spending the rest of their life with a partner – a life partner. So what makes them settle on the idea that it's okay to agree to marriage solely because it is what their parents want for them? I try my best to view it as: your parent(s) brings up a proposal for you that they might have found out about through extended family, family friends, strangers ... and you decide whether or not you want to meet/get to know the person ... then, you decide whether or not you want to marry him/her.*

In summary, South Asian community members in both London and New York tended to feel that biased media coverage was responsible for the unfavourable image their

community had earned in recent years, and that criminalisation of forced marriage, which unfairly singled them out for scrutiny by the police, was an unwise policy that was bound to have a detrimental impact on the community.

### ***Professionals' views on criminalisation***

From my conversations with academic researchers, police officers, policy makers, social service providers, and specialists in England and NYC, widespread concerns were raised about the criminalisation of forced marriage. Overall, a majority of the professionals (15 out of 18) articulated that forced marriage was unacceptable, but they expressed little support for criminalising it – that is, sentencing family members and others who are held responsible. In fact, most professionals, including those from the law enforcement community, favoured a preventative rather than a punitive approach. Professionals in England were not fully convinced that new legislation would be effective and worried about unanticipated problems victims may encounter that the legislation did not address. Professionals in NYC were more concerned with the silence on this issue at the level of policy and the lack of resources available for victims and survivors. However, they appeared to agree that it would be helpful to have a discussion about whether forced marriage should be criminalised because it would open up avenues for funding which could be used for research and policy-making and would generate resources for populations affected by this issue.

### ***England: Criminalisation as a double-edged sword***

There was a shared view amongst most professionals that the new law was a double-edged sword that could both save and harm victims. On one hand, criminalising forced marriage served as a 'moral checkpoint' for family members and others because they are made conscious that their (potential) wrongdoing will not be tolerated and will be punished, which can have a deterrent effect and change attitudes within communities. On the other hand, it can cause irreparable damage to the family and the family relationship, and consequently, victims may never be able to return to their family.

Professionals agreed that there would be several challenges to implementing the new law and there may be several unintended consequences; however, if victims decide to use the law, they should be supported through the entire process, including the initial reporting stages, the court process, and post-prosecution.

Helena, a specialist who has trained practitioners in a range of fields, including domestic violence, sexual abuse and forced marriage, was unhappy with the new legislation. She commented:

*Victims [already] need a huge amount of reassurance that their families are not going to end up in prison. That'll be quite difficult to do now because there is a maximum penalty of seven years with the new law.*

Social service providers and specialists mentioned that the new law on forced marriage attracted a lot of publicity after it came into effect and many of them said that that may deter victims from seeking assistance because they now know that their actions could criminalise their families. As a consequence, practitioners expressed concern that the new legislation may not be effective because it could



limit the support that was once provided to victims by specially trained law enforcement officials. For instance, many social service providers worried that police officers' priorities would shift from providing support to victims to prosecuting offenders. Benjamin, an officer working with Thames Valley Police and committed to protecting victims of forced marriage, noted that, 'Where victims are unwilling to support [the new law], the role of the police will become very limited.'

Furthermore, as one professional noted, forced marriage is a complicated family issue where victims' choices to marry are largely influenced by nuclear and extended family members. Many victims will put aside their personal needs to please their families and in doing so they will not reach out for help. As a consequence, victims will not choose to criminalise their parents:

*They love their parents; they can't make a complaint to social services. It is very difficult when there are laws we can use to protect them but they are just caught between wanting their parents to let them get married the way they want to get married... That is the thing that comes up a lot, I have had lots of experiences... When parents do stuff to us, we sometimes have to suck it up because it is so complicated for us to call the police on them.*

(Zoe, social service provider with experience on violence against women.)

Jennifer, a social service provider with 28 years of experience with domestic violence and policy, including victims of forced marriage, was ambivalent about the new legislation:

*[Criminalising] it will make it easier for agencies to work towards protecting people that try to obey their parents but also trying to live in a Western culture, there is a clash and it can cause problems. But again, given the nature of the offences and that it is confidential; the law may not be quite effective.*

Social service providers also told me that they could not identify many clients on their current or past caseloads who would actually choose to lodge a complaint against their parents. In particular, Bethany, a professional with nearly twenty years of experience on issues related to violence against women, including working closely with victims and survivors of forced marriage, stated:

*I have been working in the field for almost two decades, very few of the young women I think that I supported so far will actually criminalise - meaning will actually go ahead and incarcerate their parents. Most people in these situations just want to get out and go quietly and they don't want any trouble, these are people who are leaving their entire families, their culture.*

*... Unfortunately, I don't think it will be that effective, but there will be very few people who would like to criminalise their parents – that option needs to be there if they want to. I think it is really good to*

*have it in place. For many it might be a deterrent factor, but you are not going to deter the strong-willed because they genuinely believe that they have complete ownership of their children, and criminalising them won't affect them.*

Professionals also worried that if victims chose to criminalise their family and others, it may be difficult for them to provide evidence of harmful intent, especially if other family members give opposing evidence. As a consequence, this option will place a tremendous burden on the victim because of evidentiary challenges – establishing his or her claims against family members and the other parties involved – which may result in victims withdrawing their complaint:

*Even where victims are able to prosecute how will it be proved when the burden of proof is so high? Many instances it is around the emotional side of things, which is hard to quantify.*

(Susan, a professional with experience on domestic violence, as well as prior experience on forced marriage policy.)

Some, like Christy, an academic researcher with prior experience on forced marriage policy, felt that the new legislation was in some ways detrimental to victims, but that it was too late to retreat from what harm had already been done by this ill-advised policy:

*My theory is that criminalisation is not going to help. I think the civil penalty was the better bet because it is less threatening to young women. Now that it's criminalised, you can't just decriminalise it.*

### ***New York City: A premature discussion***

Most professionals in New York expressed the opinion that criminalising forced marriage might be helpful in addressing the problem, but that policy-level discussions have not yet taken place in the US because professionals have only recently begun to recognise the problem of forced marriage. As mentioned earlier, professionals in NYC were primarily concerned with the policy gap and the lack of resources available to victims and survivors, and they generally expressed that this effort should be privileged over efforts to criminalise forced marriage. There may, of course, be a number of reasons for this response. First, despite the fact that social service providers in the field of domestic violence recognise the problem of forced marriage and have provided support to victims in some capacity, there was still a virtual silence on the issue at the policy level. As one service provider noted:

*We first need to recognise it as an issue that affects women in all communities. Then we can have a discussion on how can we provide services for victims and those at-risk. The policy work will eventually follow. In the US when something is criminalised then you can get resources – that's just how it works. But for now, it has been tacitly placed under a different terminology and in this case it is domestic violence. We need to recognise it as a separate issue first.*

(Jennifer, domestic violence service provider.)

Because the issue of forced marriage is new to US professionals, service providers often do not recognise it or know how to deal with it when they are confronted with cases. Forced marriage is most often placed under the umbrella of domestic violence, but there are no guidelines to advise social service providers on how they should respond to the issue. Karina, a policy advisor on violence against women emphasised:

*We don't have a working definition; service providers don't even have a working definition, what is forced marriage, they don't even screen for the intake sessions. There is no funding for this, even at the national level, there is no protocol. I think that is a premature question (Should 'forced marriage' be criminalised?) unfortunately. There are other conversations we need to have first before getting to this one.*

Second, at present, the official definition of domestic violence does not include forced marriage, partly because forced marriage is not acknowledged as a separate form of family violence and partly because victims who experience widespread pressure (physical, psychological and emotional) may be unwilling to report their parents to authority figures or seek help. Within the current domestic violence policy and legal frameworks, forced marriage can be difficult to substantiate because of the ways these frameworks have conceptualised children, parents, victims, and abusers. Under current frameworks<sup>20</sup> children are not typically seen as victims of their parents except in very narrow circumstances (like physical or sexual abuse); rather, mothers and fathers are understood to be guardians. Penelope, an academic researcher in New York who examines honour and gender-based and domestic violence said:

*This is a familial and community issue. A lot of people who are directly affected are reluctant to speak about their experiences because the idea of locking your parents up is abnormal—it's just not the norm; and the family's personal details and identity are broadcasted over national television and other social mediums by sensationalised media, which directly puts the family and the victim at-risk of several harms....We need to be mindful of our responses to this sensitive issue and how it directly affects the family. We have to be fair and provide equal protection to all parties involved.*

In order to eliminate the silence at the policy level, she suggested that:

*We need to get to that same position as the UK with forced marriage – where it becomes normal to talk about it. Where it is not seen as a hidden crime. Where we can acknowledge its presence. Where we can ask for and provide resources. Where we can finally ask, 'Does this issue need to be criminalised?'...We do not have the backing of facts and figures, or the non- profit organisations that are explicitly*

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<sup>20</sup> See New York State domestic violence policy:  
[http://www.opdv.ny.gov/law/summ\\_subject/index.html](http://www.opdv.ny.gov/law/summ_subject/index.html).

*for victims, or trained professionals that can work well in this area, for example, police, teachers, counsellors, service providers...*

Even when the silence on the policy no longer exists, some professionals expressed the opinion that criminalising forced marriage may draw negative attention to specific people and communities. For example, Samia, a professional with experience on honour-based violence, noted that:

*People think that forced marriage is a cultural practice or religious practice. I actually disagree with that. I think that there are other ways to be culturally sensitive, and at the same time condemn abuses—human rights abuses or violence towards women, which is what forced marriage is. It's not a cultural or religious problem—that's a misunderstanding ... Criminalising forced marriage means the over policing of certain communities, stigmatising certain populations and being insensitive or indifferent to non-Western culture.*

Billy, a frontline police officer with the NYC Police Department (NYPD) noted that he has only responded to domestic violence cases in his line of duty—forced marriage has not come up yet—but he said he can understand why victims are reluctant to call the police on their parents, 'You don't want to call the police because you don't know what is going to happen to your family.'

### ***Victims, survivors and at-risk individuals<sup>21</sup>***

Victims, survivors, and at-risk individuals in England and NYC who have been pressured<sup>22</sup> - physically, emotionally, and psychologically – to marry acknowledged the varying degrees and ways they have been wronged by family members and extended parties; however, a majority (16) were not in favour of a law that criminalises forced marriage, but rather they showed support for holding individuals accountable only in the most extreme circumstances<sup>23</sup> under existing bodies of laws. A small group of interviewees [5] were in favour of a law directly criminalising forced marriage; however, when I asked these individuals if they wanted their families and those directly involved in their respective cases to be held criminally accountable, these interviewees were not interested in having their family members punished or willing to criminalise their family or others. Despite somewhat mixed feelings about criminal law being applied to the issue of marriage, most interviewees preferred a non-punitive and preventative response to forced marriage.

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<sup>21</sup> Due to issues of space there is not enough room in this report to outline all 21 cases, in terms of each individual's experiences and circumstances, for example, how they were pressured, by whom and the unique challenges they each faced, but whenever possible I try to give individual details to show the complexities of their experiences and the controversies in their responses to the criminalisation of forced marriage. The cases selected were those that were representative and emblematic of others.

<sup>22</sup> All interviewees shared that they experienced 'forces' to get married; these forces were very often psychological and emotional pressures varying from one end of the continuum to another in terms of severity. See Sri and Raja (2013, p.17) "Graphic A: Forced Marriage Continuum". Whilst the model presented by these researchers has some utility in bringing a systematic approach to our understanding of the problem, by failing to capture the multiplicity of forces that impinge on the issue, the model is too limited to form the backbone of the analysis presented here.

<sup>23</sup> For example, physical abuse, duress, forced to go overseas.

**England: Pressure from many sources**

Among the people interviewed in London, there was considerable variation in the attitudes, orientations, and experiences with respect to marriage. Below, several examples illustrate the range of explanatory frameworks respondents employed to describe their thoughts and experiences with marriage.

Kuddus was taken to Bangladesh at 16 years old (26 now) and was emotionally pressured by several female members of his family to get married. Whilst he did not feel like he was ready, he did it anyway because of their persistence. He did not think that anyone should be criminalised in his case because he says it was ultimately his choice. His attitude was he was going to get married anyway, so he might as well get it over with.

*My sisters, my mum, my aunties, everyone convinced me. I had to get married. I did tell them I wasn't ready yet, I was barely 17. It's not my age to get married. But, they wanted me to commit to a wife. They kept looking for brides. So, I just ended up getting married. I saw my wife in pictures and I thought, 'Yeah, she's pretty, so why not? Might as well.' It was my choice.*

*(British-Bangladeshi)*

Whilst individuals have understood forced marriage as an act where parents apply pressure to their children to get married, it is important to remember that other parties can be involved. For example, Karina did not want her case criminalised because she did not think her parents were at fault, but rather it was the son of her Dad's friend who emotionally blackmailed her to get married. She says:

*It depends on the situation if they're literally beating their daughter or son to get married, then yeah, but otherwise no...I don't think they should go to jail. I think that's a bit harsh... In my late teens, I went to Bangladesh and my Dad got all these proposals for me to get married. But my Dad said it's my decision, really. One of the suitors was the son of one of my Dad's friends. He literally was like begging me to marry him, like literally down to my feet ... I hated it. He literally tried to emotionally blackmail me as well because my Dad was very fond of him. He played the game well, he was like, 'Do you not want your Dad to be happy? He would be very glad if you would get married to me.' I felt like I was under more pressure than I need. I said no but felt horrible because of course I want my Dad to be happy.*

*(British-Bangladeshi)*

Liam's case is an outlier, as evidenced below, but important to include because his case highlights the fact that the problems of forced or pressured marriages are not unique to a particular culture or community, but are practised by people from a variety of cultures and religions. He had dated his ex-wife for a very long time (since his GCSEs) and she became pregnant when Liam was in his early 20s. Liam's partner's grandma pressured them to get married because for her it was unacceptable to have children and not be married. He said she used religion to

convince them to marry although he did not want to. Liam is now divorced and he wishes he had never married. He felt he should have married when the time was right and not because Jesus or the woman's grandmother wanted him to. He stated he was very depressed for a while and went to therapy for years, but that he now is moving on with his life. He blames the grandmother for his marriage but says he was pressured, not forced, so he does not want her punished.

*I don't know. I had to marry my ex-wife. Her grandmother didn't believe in having babies out of wedlock and we had a daughter so that was one of the main reasons we literally had to get married. Her grandmother was so freakin' religious – always talking about Jesus, she was the main one that pressured us. She kept saying, 'Jesus doesn't like this, Jesus doesn't like that.'*

(White- British)

Farah, aged 25, does not want forced marriage to be criminalised because the person who is applying pressure is her older sister, who is being pressured by her husband (an American- Bangladeshi). The tricky part is the husband and sister do not live in England, but they live in California (the British-Bangladesh sister had an arranged marriage with an American). In addition to the location issue, the parties involved are her sister and brother-in-law. She does not want them to go to prison and thinks the problem should be dealt with by the family. Normally parents apply pressure to their children to get married; it is rare for adult children to apply pressure on their parents to have their younger siblings marry.

*The pressure wasn't coming from my parents itself, it came from extended family, so my parents kind of listened to them and I think it put them in a difficult position, then it put me in a difficult decision because they were like, 'Well it's your choice, it's your decision,' and I'm like 'Well, I wasn't prepared to make this decision at this point in my life, so it's not really fair to dump it on me right now.' My parents told my uncle that I'm too young, but then they got pressure from my grandmother and my other uncles. The option was always there that the ultimate decision would be left to me but I was also conscious that if I did give them a negative answer that that would disappoint a lot of people. Now in hindsight if I was in the same situation, I could definitely make my own decision, but it turned out well for me.*

(British- Bangladeshi)

One feature that characterised most of the London cases was that the majority of pressure respondents felt came from female relatives and not males. It is possible that males might be called upon if "force" was actually employed, but none of the cases seemed to have men lurking in the background in a strong-arm role. The idea that some marriages might be criminalised under the law seemed, in the eyes of many respondents, both comical and tragic. Comical because it was inconceivable to most respondents that their female relatives might be prosecuted and incarcerated for trying to ensure a secure future for their children. Tragic because they might very well suffer that fate given the stigma many felt the government had bestowed on marriages in their communities.

***New York City: Varying responses to criminalisation***

In NYC, many of the themes that were apparent in London were replicated. There was little support for criminalising forced marriages in their community, though there were conflicting feelings about third party interventions in marriages.

When Zara was 18, she dated a White-American until her parents become aware of him. She was then physically beaten by her parents, forcefully taken to Bangladesh, and married off. She's 24 now and has been married for 6 years, but her husband still lives in Bangladesh. Earlier this year, she moved out of her parents' house and filed for divorce. Her husband is distraught because he had no idea that she was forced to marry him. She says she never told him and tried to make the marriage work, but she was unhappy for a very long time and no longer wants to be married. Zara is not in favour of criminalisation because she does not want her parents in prison. She says:

*Criminalised? Not so much criminalised, but I think it should definitely be taken there after all other sources have been exhausted—it should be a last resort. It's also an intimate issue where family is often involved, so it's difficult to talk about it. For it to be criminalised and for there to be an actual punishment, I don't know. It feels wrong.*

(American-Bangladeshi)

Similarly to Liam's case, the following two cases are also outliers, but important to include in the data because they indicate once more that the problems of forced or pressured marriages occur in other communities.

Chin Ho has been frequently pressured by his parents to marry a woman in Korea but he does not want to. At 30 years old, his parents want him to start a family, but he enjoys his single life. He wishes his relationship with his parents would improve, but does not think criminalising will help his situation. He says:

*They don't have to be thrown into jail. They just have to be told to stop because it's hurting their children, emotionally, mentally, and it's hurting them deep inside and you know it can cause so many things. It can cause suicidal thoughts, depression because this whole issue is a big issue. They are really endangering their child. My parents pressured me about three, four times that I should get married and it was really frustrating because I did not want to...but they kept saying I should start a family. They say all these things, but...I feel like it is going to lead to a road of disaster.*

(Korean- American)

Tula is a unique case in some ways but similar to the cases already presented in other ways. Tula's situation has the 'overseas dimension,' as with the cases in London and New York, except her mother takes her to Bosnia every summer for her to meet a Bosnian man to marry. She is pressured by her mother at family events to talk to suitable marriage partners. She does not want forced marriage criminalised because her mother has given her a choice (although it is restrictive), she commented:

*I have a choice. My mother doesn't force me to get married. She has an expected view that it is required, you have to get married you have to have kids, you have to follow this path. My mom really wants me to find someone that's Bosnian and get married. We go to Bosnia every summer for me to find someone and at family events she wants me to talk to men and if I don't want to she gets mad at me and yells at me. I have a boyfriend now and I want to marry him, but he's not Bosnian, he's Black. If she ever found out she would disown me and never talk to me again. She's told me this before.*

(Bosnian- American)

Saya (18 when married, 21 years old now) came home one day and was told she was getting married. She says her older sister and her husband's sister arranged the marriage even though they both knew she did not want to get married. Saya's mother had cancer at the time and Saya felt emotionally pressured to get married because her mother was dying and she wanted her mother to hold her grandchild (Saya's baby) before she passed away. Saya said her husband was aware that she was pressured to marry and so was afraid to have children with her because he knew that she was unhappy and thought she would leave him. Eventually, Saya had her first child, but her mother had already passed away. She says she does not want anyone in her case criminalised because she thinks in her situation, the emotional pressure she received was not as bad as her friend's case.

*To be honest, I think it should be taken care of more by the family... My older sister, she's for some reason, more worried about me getting married than my parents, because basically she went through the whole traditional way of getting married. Her husband is really conservative and he puts pressure on my sister to tell me to get married. That's kind of the only reason why she used to ask me about marriage, and when am I going to get married. It put a lot of pressure on my parents as well.*

(British-Bangladeshi)

Danya (30 years old now) was 16 when her uncle began to arrange her marriage. Her parents said it was ultimately her choice. She is still happily married. Although she acknowledges how she was pressured, she does not think she was wronged in a way that requires people to be punished. She says:

*Definitely (forced marriage should be criminalised). Forced marriage doesn't affect one person, it affects two people, two families, and affects the children that will come out of it. Thankfully I don't consider my situation to be forced at all, there was a little pressure but it wasn't anything forced about it in any way...My uncle had met somebody and was trying to bring him to my parents for me to marry.*

*In certain circumstances where there is literally forcing, yeah. I didn't think my situation was too bad. I don't think anyone in my case should be criminalised. Feeling pressured is not as bad as being threatened or taken overseas. I have a friend she was literally forced*



*to go back home to get married to someone she didn't even know and it was because of the brother who did that. In that case he should have been put in jail. Her brother should have been thrown in jail – that's forced.*

(American-Pakistani)

Saya referred me to the friend she spoke of above, Bina (aged 24), who was taken to Pakistan and forced to marry at 16. Her brother wanted to marry a woman in Pakistan and that woman's mother told him that if he wanted to marry her daughter, then he needed to marry off all of his sisters first. Bina is one of seven sisters and because her father passed away when she was a child, the next male figure, her brother, assumed command of the household. She says that within one year, her brother took five of the seven sisters to Pakistan and had them forcefully married. The remaining sisters were pre-pubescent and she claims that is what saved them from marriage. Bina wants forced marriage criminalised, but does not know whom to blame. She believes there were plenty of capable guardians in her case who could have intervened, but failed to. However, still she says she cannot see her family in prison:

*I don't know who to blame, should I blame the culture? My brother and mom? Should I blame my grandmother, should I blame by grandfather? I asked my sisters, my husband's aunt, whoever I trusted, I asked for help. I did not want to get married. They did nothing. My school teacher knew. My friends called the cops and they did nothing. Who do I blame? I think it should be totally criminalised....But I can't see my family in prison. I don't think any Desi people can do that.*

(Pakistani-American)

These cases illustrate that whilst individuals do not want anyone in their situations criminalised, they want family members of others who have been forced to marry to be punished. But even then, those victims do not want anyone in their family placed in prison. Whilst victims realise how difficult it is for them to choose to criminalise family members, they discount that difficulty in situations similar to theirs. In any event, both Saya and Bina wanted a preventative approach to forced marriage.

Taken together, all three groups of respondents in both the UK and US favoured a preventative approach rather than a punitive response to forced marriage. Community members argued that criminalising forced marriage would be ineffective and stigmatising. Whilst professionals in UK claimed that the criminalisation of forced marriage is a double-edged sword that can both save and harm victims, professionals in the US felt that the discussion of criminalisation of forced marriage is premature but can bring attention and funding. Finally, victims, survivors, and individuals who have been at-risk often felt that someone should be held accountable, but did not want family members in prison. In general, they wanted a preventive approach.

## 4. Conclusion

Socially constructed definitions of forced marriage have shaped and affected our conceptualisation of the issue and consequently have guided research, policy, and practice in the UK and US. Overall, research in the UK and US suggests that forced marriage in both jurisdictions has been framed within religious and cultural contexts. In addition, in both the UK and US, victims, survivors, and individuals who have been at-risk have reported to have been pressured by similar factors (physical, psychological, and emotional) and actors (nuclear and extended family, and peers) to get married. Whilst the UK's response to forced marriage is shaped by over a decade of research and practice, the US' experience is only a few years old. Consequently, the US has just started to recognise the issue of forced marriage, and as of yet has made little effort to address the problem.

Whilst the UK has criminalised forced marriage, advocates in the US have started to recognise the issue and are currently thinking about how to respond to it. Included in those efforts is the question whether criminalisation is a discussion that needs to occur in order to inform policy and practice. Since the UK has more familiarity with the issue of forced marriage, professionals in the US should look to the UK for guidance. No doubt, the experiences between the two nations have some differences; still, the UK experience can be helpful to researchers, policy makers, and social service providers in the US who have recently begun to address this issue.

One major finding that came out of the discussions with professionals, victims, survivors and at-risk individuals, and South Asian community members in New York City and England, is that a consensus of opinion was repeatedly found; that is, whilst all respondents saw forced marriage to be unacceptable and offensive, little support was expressed for criminalising it. In fact, most interviewees favoured a preventative approach rather than a punitive response.

By comparing and contrasting findings from London and New York, an analysis of the narratives offered by these three broad groups has provided further insight into the extent and severity of the problem and the degree to which it is seen and defined as a problem by various actors. They also provide a basis to assess the efficacy of current policies and practices designed to address the problem and cast doubt on the decision to criminalise forced marriage. Consequently, this dissertation illustrates a fundamental disjuncture between individuals' definitions of 'forced' marriage and definitions outlined in policy and practice. In short, the UK's victim-centred approach may cause harm to the population the policy is designed to protect.

It is important to note that this study is not representative of all South Asian communities, professionals, victims', survivors, and individuals who have been at-risk. Future research should prioritise the voices of those directly affected by forced marriage and investigate what specific preventative measures they want in place, given that they prefer a preventive and non-punitive response to forced marriage. Since this is only one study, future research should again question definitions of forced marriage and responses to current policy initiatives to see if these findings are confirmed.

## Appendix A: Overview of Data Collection

Table 1: Victims, Survivors and At-risk Individuals

<b>Demographics</b>		<b>N=21</b>
	<b>Age</b>	
18-24		9
25-34		9
35-50		3
	<b>Ethnicity</b>	
Indian		1
Bosnian		1
White		1
Bangladeshi		10
Pakistani		4
Grenadian		1
Jamaican		1
Afghan		1
South Korean		1
	<b>Gender</b>	
Female		15
Male		6
	<b>Religion</b>	
Hindu		1
Christian		3
Buddhist		1
Muslim		16
Non-Denomination		0

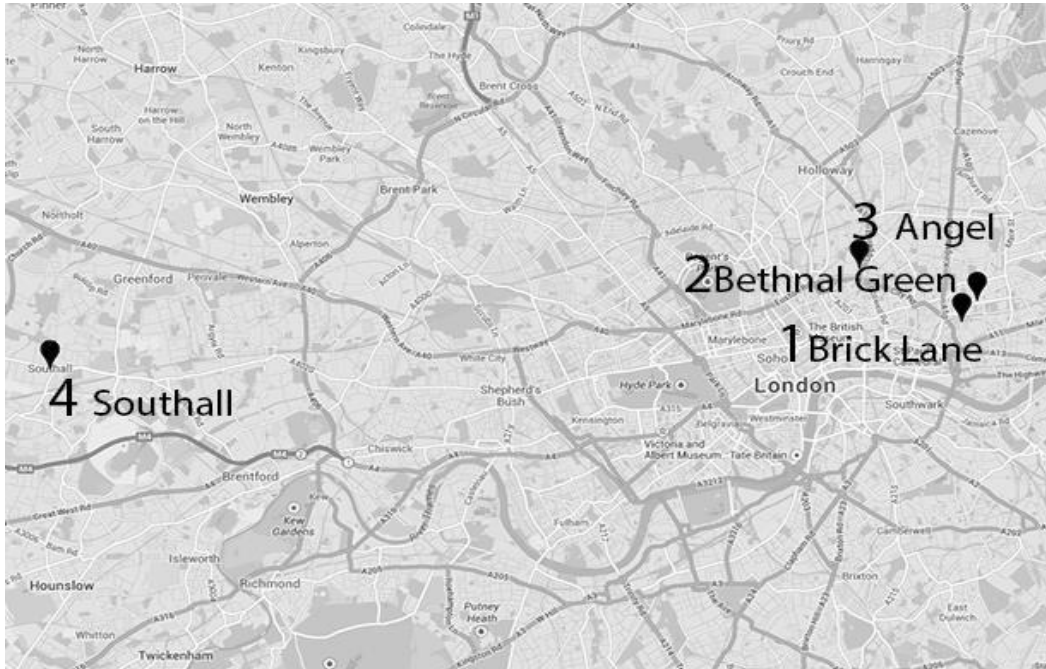
<b>NYC Interviews</b>	<b>N = 11</b>	<b>UK Interviews</b>	<b>N = 10</b>
<b>Age</b>		<b>Age</b>	
18-24	8	18-24	1
25-34	2	25-34	7
35-50	1	35-50	2
<b>Ethnicity</b>		<b>Ethnicity</b>	
Indian	1	Indian	0
Bosnian	1	Bosnian	0
American (White)	0	British (White)	1
Bangladeshi	3	Bangladeshi	7
Pakistani	2	Pakistani	2
Grenadian	1	Grenadian	0
Jamaican	1	Jamaican	0
Afghan	1	Afghan	0
South Korean	1	South Korean	0
<b>Gender</b>		<b>Gender</b>	
Female	9	Female	6
Male	2	Male	4
<b>Religion</b>		<b>Religion</b>	
Hindu	1	Christian	1
Christian	2	Buddhist	0
Buddhist	1	Muslim	9
Muslim	7	Non-Denomination	1
Non-Denomination	0		

**Table 2: Interviews with Professionals**

<b>Professionals N = 18</b>	New York City	9
	England	9
<b>Professionals' Fields</b>		
Academics	New York City	3
	England	2
Social Service Providers	New York City	4
	England	3
Law Enforcement	New York City	1
	England	2
Policy Makers	New York City	1
	England	2

## Appendix B: Maps of the locations of the South Asian communities

London: Brick Lane, Bethnal Green, Angel, and Southall



New York City: Parkchester, Astoria, Jackson Heights, Ozone Park, Bay Ridge, and Kensington



## **Appendix C: Interview script for victims, survivors, at-risk individuals**

### **Introduction**

Hello. Thank you very much for making the time to speak with me today. I am currently conducting research for my Master's dissertation. I'd like to talk with you about your experiences around marriage.

Here is an information sheet/consent form that outlines the aims and objectives of the study. The best way to learn about your thoughts and experiences is for you to tell me about them, in as much detail as possible. So I will ask you some questions, but I would like for you to do most of the talking today. If any of the questions make you feel uncomfortable, please let me know and we can move on to another question. You do not have to answer any question that you do not want to, and you have the freedom to stop the discussion at any time. You will not be identified by name in this study. Do you mind if I audio- record this interview? Do you have any questions before we begin?

### **Demographic Information**

1. Pseudonym of Choice
2. Sex
3. Date of Birth
4. How do you describe yourself in terms of racial or ethnic identity?
5. Are you originally from this city?

Probe: Where did you grow up?

**Semi-structured Interview** (Questions were not asked in any specific order and are not restricted to these questions, but were generally asked during the interview.):

1. What was your reaction when you were proposed with the idea of a marriage? (depending on the answer, I will probe further) Can you tell me more about your experience?
2. How do you define 'forced' marriage?
3. Do you think 'forced marriage' should be criminalised?
4. What do you mean by criminalisation?
5. What kinds of services would you have wanted to be offered to you during your experience? Or did you contact any agencies or the police? What were your experiences with them?
6. Are these services sufficient to meet the needs of this population?
7. Do you know of any others who share similar experiences? If so, how many?
8. In what ways can 'forced marriage' be prevented?

Thank you so much for your time! A transcript of this interview will be made available to you if you wish, as well as any paper that results from this interview. Please contact me if you have any additional questions. [Each respondent will be given my business card.]

## **Appendix D: Interview script for professionals**

### **Introduction**

Hello. Thank you very much for making the time to speak with me today. I am currently conducting research for my Master's dissertation. I'd like to talk with you about your experiences around marriage.

Here is an information sheet/consent form that outlines the aims and objectives of the study. The best way to learn about your thoughts and experiences is for you to tell me about them, in as much detail as possible. So I will ask you some questions, but I would like for you to do most of the talking today. If any of the questions make you feel uncomfortable, please let me know and we can move on to another question. You do not have to answer any question that you do not want to, and you have the freedom to stop the discussion at any time. You will not be identified by name in this study. Do you mind if I audio- record this interview? Do you have any questions before we begin?

### **Demographic Information**

1. Pseudonym of Choice
2. Name of Agency (Charity, Organisation, Institution)
3. Role or Position in Agency (Charity, Organisation, Institution)
4. Years of Work Experience

**Semi-structured Interview** (Questions were not asked in any specific order and are not restricted to these questions, but were generally asked during the interview.)

1. In what capacity have you worked on the issue of forced marriage? For how long?
2. How do you define 'forced' marriage?
3. Do you think 'forced marriage' should be criminalised?
4. What do you mean by criminalisation?
5. Do you think the current policies and services available to victims of forced marriage are adequate enough to meet their wants and needs? In what ways can they be improved?
6. Why do you think people who are affected by forced marriage have a difficult time asking for help?
7. What are the common demographics, the age range, ethnicity of population that you have been working with?
8. What is the most challenging thing about doing this kind of work for you?

Thank you so much for your time! A transcript of this interview will be made available to you if you wish, as well as any paper that results from this interview. Please contact me if you have any additional questions. [Each respondent will be given my business card.]

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## Acknowledgements

The completion of this dissertation, especially the research process and data collection phase, would not have been possible without the support and guidance of various individuals. First, I owe specific thanks to the following people: my dissertation supervisor and mentor, Alpa Parmar for her unfailing spirit, warmth and generosity, which has sustained me through the course of graduate school. I also want to thank my undergraduate mentor, Ric Curtis for his sharp and meaningful comments on my work and for the inspiration he has given me for many years. I am grateful to Carolyn Hoyle, Ben Bradford, Mavis Maclean, Amanda Blake, Elizabeth Jones for their much-needed assistance on gathering data. I also thank James Lucey, Angelina Pienczykowski, and Ofia Ali for their feedback, encouragement and direction. Finally, I am very lucky and thankful for my parents' and family's emotional, financial, and practical support while I was conducting research away from home.

Second, my sincere thanks to all 21 at-risk individuals, victims and survivors for their fearlessness and trusting me enough to share their stories with me. Their individual accounts kept me going when I was despairing of ever finishing the writing process of this dissertation.

Third, I would like to thank the academic researchers, police officers, policy makers and social service providers, specialists, among other professionals at the following organisations and institutions for making the time to formally and informally speak to me about their work and experiences around forced marriage, which helped this study move in many forward-thinking ways: Karma Nirvana, Sanctuary for Families, Sakhi for South Asian Women, Wycombe Women's Aid, New York City Family Justice Center, Gangashakti, Buckinghamshire County Council, Oxford City Council, Forced Marriage Unit, New York City Police Department (NYPD), Thames Valley Police, John Jay College of Criminal Justice at the City University of New York, The Urban Institute, the Carr Center for Human Rights Policy at the Harvard Kennedy School, and Department of Social Policy at the University of Oxford.

And last, but definitely not least, I am a grateful for the South Asian peoples from various communities in New York City (Astoria, Parkchester, Jackson Heights, Ozone Park, Bay Ridge and Kensington) and England (London – Brick Lane, Bethnal Green, Angel and Southall) who shared their honest opinions and perspectives on forced marriage, as well as their insights on my project aims and research questions – a huge thank you for the many brainstorming sessions and ideas.

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Popy Begum graduated with high honors from the City University of New York-John Jay College of Criminal Justice in 2013 with a B.A. in international criminal justice, a Certificate in dispute resolution, and minors in anthropology, economics, English and psychology. In 2014, she earned the MSc in criminology and criminal justice (research methods) from the Centre for Criminology at Oxford University. Subsequently, Popy worked in NYC's main jail complex, Rikers Island, where she created individual discharge plans for incarcerated male and female, youth and adults who are at a high risk of reoffending, and counselled them about employment, housing, parenting, safety, trauma and substance abuse issues. Currently, she is working at Quality Services for the Autism Community (QSAC), coordinating services for people with developmental disabilities and also advocating for families in temporary or on-going crisis situations, including involvement with Administration for Children's Services. In addition, she is teaching international criminal justice, international criminology, and research methodology courses for the Department of Law, Police Science and Criminal Justice Administration at John Jay College of Criminal Justice, CUNY.

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