When does a long-accepted practice become an intolerable abuse of a girl's rights?

Audrey Thompson examines the line between cultural insensitivity and professional negligence, while Hannana Siddiqui reviews areas of professional responsibility which may override cultural considerations.

A 15-year-old Bangladeshi girl comes in a panic to see a social worker. She explains that she can never go home again because she is pregnant. Her family, particularly her mother, will not understand. She will have brought shame to her family and the community will turn against her. She insists she wants to have an abortion in secret. What do you do?

- Arrange an appointment at a clinic to get her an abortion while leaving her family none the wiser?
- Send her away and tell her you cannot help until she tells her parents, risking their wrath - or worse?
- Put her on the child protection register and take her into care with the result that the community may well be up-in-arms, insisting that they should be allowed to sort out their own problems without outside interference?
- Hand the case over to a black or Asian colleague and breathe a sigh of relief?

Similarly, what would you do if a young girl was being forced to marry a man twice her age that she had never met, as a result of an arrangement between their two families before she was born? Or if you knew that in a particular ethnic community young girls were forcibly circumcised, or children were being facially scarred because it is considered a mark of beauty?

Social workers are constantly coming up against attitudes and practices that they disapprove of or abhor, but when such cases also have an ethnic or cultural significance that they are either ignorant, disrespectful or even afraid of, their actions can have very serious consequences - as can their inaction.
In a recent case, 19-year-old Rukhsana Naz was murdered by her mother and brother because she refused to marry the man they had chosen for her. This is an extreme and unusual example. Even so, there are any number of ways families and communities pressurise young girls into cultural practices they do not wish to follow.

Hannana Siddiqui, joint co-ordinator of the Southall Black Sisters, a women's group that campaigns on behalf of black and Asian women, says: "There is a whole spectrum of pressure placed on young girls ranging from subtle emotional pressure to harassment, threats of violence, abduction, rape and even murder. Imagine, you respect your heritage and your parents. They are very nice to you and care about you but you still feel you cannot speak up against being married off. Even in that context an arranged marriage then becomes a forced marriage."

The pressure, she argues, does not just apply to women. Sometimes men can be forced to marry the women their families choose, but women are more often the victims. It is their behaviour, their sexual purity, that reflects upon a family's honour and its reputation. Women, too, are also most likely to experience the negative consequences - being ostracised and rejected by family and community.

The issue was graphically highlighted in parliament by Ann Cryer, MP for Keighley, in an initiative aimed at bringing the issue out into the open. The numbers of cases, she said, were continuing to increase but when it is understood that "Asian women must not seek help outside their community or even family, as that is regarded as a betrayal [it means] the cries for help that we hear may be just the tip of the iceberg".

She appealed for Asian Muslim parents to discuss the plans they have for the future with their daughters, and for community leaders to encourage their people to put their daughters' happiness, welfare and human rights first. But according to Siddiqui, this is not enough. "Community leaders pay lip-service to this issue, they are not really serious or genuine about helping women who need to escape forced marriages and they don't support services like ours which are on the front line," she says.

This view and experience is shared by Shamshad Hussain, a member of the Asian women's monitoring group in Bradford. She is familiar with a case where a religious
community leader, eventually denied contact with his own children by social services because of physical abuse, is still allowed close contact with other children in the community because of who he is. "All the agencies, including the social workers, are scared of him and are reinforcing his power by refusing to challenge him. They are colluding with his community-leader status." Why? Because they do not want to upset a tight-knit Asian community, and it's a messy business, says Hussain. "They don't want to get their hands dirty and working with the Asian communities for them is getting their hands dirty."

Her controversial opinion, she insists, is warranted because social workers are not using the powers they already have in law to protect children and young people simply because they may be from a culture they don't understand. She adds: "We have a high rate of suicide among Asian girls; we have family breakdowns with girls having to flee the family home; we have a high incidence of drug use and self-harm among Asian women. If social services were more proactive they would put some energy into identifying the root cause of this and then they would find that much of it is due to cultural family pressures."

Female circumcision, an act that has been illegal in this country since 1985, is still practised by some refugee and immigrant communities. But in this instance, rather than sitting back and doing nothing, says Shamis Dirir, social workers are charging in recklessly and getting it wrong. As development director of the London Black Women's Health Action Project, she campaigns to highlight the harmful effects of female genital mutilation. It's a practice that many in Somalian communities, for example, still believe has religious significance. "But nowhere in their religious teaching is it mentioned," says Dirir. "It is something historically passed down from the Egyptian pharaohs and the time of slavery as a way to ensure that female slaves stayed chaste. From there it moved through Africa and is a way to oppress women."

However, she adds, because it involves the sex organs social workers are classifying the practice as sexual abuse and taking children away from their parents. "A lot of professional people misunderstand," says Dirir. "This is not sexual abuse, it is one incident of physical abuse that we know will never happen again." What is needed, she says, is for social services to work closely with organisations like the London Black Women's Health Action
Project to re-educate refugee communities about the practice and the law in Britain, and to stress that they are there to help families. Ironically, even though female circumcision has been illegal here for almost 15 years, and children have been separated from their parents, no one has yet been prosecuted or sent to jail for the practice.

So what would you have done about the genuine case presented earlier? The original social worker chose the first option and moves were set in train to prosecute the 17-year-old father of the unborn child for having sex with a minor. It was only when she was overheard on the telephone arranging the abortion that an Asian colleague intervened and took over the case.

In her own language the girl was fully counselled about all her options. She was told that, given her age, her parents would have to be informed but it was agreed that the social worker should accompany her, explain the situation to her parents in their own language, and then make a judgement about whether there really was a child protection issue. At the meeting there were a lot of anger and tears but after several hours the situation was considered safe for the girl to remain at home. The mother agreed the girl should have an abortion and went with her and the social worker to the clinic.

At the clinic the social worker sensed that the girl was unready for what was about to happen and told the medical staff. She negotiated a few more days for the girl to discuss it at more length with her mother. In the end, both girl and mother decided she should have the baby. The social worker also managed to halt moves to prosecute the teenage boy. "After all, how many white teenage boys do we prosecute for underage sex?" she asks.

At 17 the girl married the child's father and went on to have two more children. That was seven years ago. They are still together and the mother is in close contact with her daughter and grandchildren. The lesson, says the social worker, who wishes to remain anonymous, is never to make assumptions, whatever the circumstances, and always follow the proper procedures.

The cultural tensions that can arise in multi-cultural Britain sometimes test the limits of a worker's professionalism, but belonging to an ethnic minority does not equate to being ultra-conservative and opposed to all aspects of western culture. There are plenty of
"liberal" thinkers and attitudes among ethnic communities. So the bottom line has to be that human rights are not a question of culture and never should be.

**A duty to act**

Forced marriages, and other related controlling and oppressive practices, are a form of child abuse or domestic violence, writes Hannana Siddiqui. Complaints should be taken seriously, requiring the intervention of social services to prevent a forced marriage or to help those already coerced into marriage. Any marriage entered into without free will is forced, and can involve abusive behaviour by the extended family and community members, including community leaders.

Under part III of the Children Act 1989, every local authority has a general duty to safeguard and promote the welfare of children in their area who are "in need". A child - a person under 18 - is defined as being "in need" if he or she is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him or her of such services. "Health" means physical or mental health and "development" means physical, intellectual, emotional social or behavioural development.

Every authority is required to take reasonable steps through the provision of part III services to prevent children suffering ill-treatment and neglect. They can also remove the abuser through a court order under part IV of the Family Law Act 1996. An exclusion order can also be made in conjunction with an interim care order. The local authority can accommodate a child who has reached the age of 16, and those aged 16-21, if it would safeguard and promote the child's welfare, and to provide advice and assistance with a view to promoting their welfare when leaving local authority care.

The specifics of these Acts are repeated here because they apply to all children, including those from ethnic minorities being forced to marry, because this is a form of child abuse, too.

**The Signs to Look Out For**

- Family and social/community pressure to marry where there may or may not be
concrete plans and arrangements.

- Mental abuse and emotional blackmail.
- Actual or threatened physical violence.
- Actual or threatened abduction, often involving pressure of plans to go abroad, usually to their country of origin. The pretext is often the need to go on holiday, attend a wedding or visit a sick relative.
- Rape and sexual abuse experienced by those already married.
- Imprisonment within the home and restriction on movement and association - not allowed out alone or contact with friends, male or female.
- Adherence to a dress code. Pressure not to wear western clothes or make-up.
- Non-attendance or poor performance at school/college or work.
- Failure to pursue higher education, training or career ambitions.
- Depressed or withdrawn demeanour or behaviour.
- Other controlling behaviour, such as denial of money.

**Don't**

- Ignore the problem or treat it as a simple conflict between an adolescent and her parents. Don't accept it is part of a cultural practice of a minority community which has to be respected or tolerated, or assume that it can be resolved internally by the family or the community itself.
- Exacerbate the problem - don't tell or encourage the girl or young woman to tolerate or accept the situation or her cultural practices, and if possible don't inform the parents or others within the family or community, even agencies, without the full consent of the girl or young woman involved. Many family GPs within minority communities breach confidentiality. Liaise with the extended family and community leaders with the aim of mediation and reconciliation.
Do

・ Consult the girl or young woman about her problems and needs. Provide and discuss options, with the aim of ensuring protection, including outlining social services, statutory duties and responsibilities, and any legal action they can institute themselves such as wardship and prohibitive steps orders and referring them to a good solicitor. In some cases, it will not be possible to consult the girl or young woman directly, if she has been held prisoner or abducted and held abroad. In these circumstances her wishes may be ascertained through any contact she has with others, such as friends, relatives, boyfriends or agencies, through any letters or information she may have passed on to them.

・ Support the efforts of the girl or young woman or her representative to obtain protection. If necessary, enlist the assistance of an appropriate women's organisation - a specialist organisation, such as Asian women's refuges/hostels and resource centres, or Women's Aid if none are available. Not all Asian women's organisations are appropriate as they may hold conservative views, reproducing the same oppressive values held by the family and community.

・ Institute child protection procedures, which may mean placing the girl or young woman on a child protection register, in care or in a safe placement, or removing the abuser from the household (although the entire family can exert pressure).

・ Assist girls and young women taken abroad and forced into marriage and abused there.

・ Make referrals to police of cases involving criminal offences, such as threatening behaviour, harassment, assault, imprisonment, abduction, rape and sexual abuse (where women are already forced into marriage). Where possible, obtain the consent of the girl or young woman in advance.

・ Report crimes committed in the UK and abroad.

Give advice and assistance to vulnerable adults who are not covered by the Children Act in terms of placing them in safe accommodation such as refuges and in obtaining injunctions or other court orders. Make referrals to other agencies such as the police and appropriate women's organisations.
Hannana Siddiqui is joint co-ordinator, Southall Black Sisters