

CONTEMPORARY ISSUES IN MULTICULTURAL YOUTH WORK

Forced Marriage: Good Practice Guide

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The Centre for Multicultural Youth is a Victorian not-for-profit organisation supporting young people from migrant and refugee backgrounds to build better lives in Australia.

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Introduction

Forced marriage is increasingly being identified as an issue affecting young people from migrant and refugee backgrounds in the Australian community. Any person who works with young people from migrant and refugee backgrounds, in particular, workers in agencies such as schools, youth programs, health care and community services, should know how to identify a young person at risk and how to ensure they get the specialised support services they need.

This Good Practice Guide provides an introduction to the issue of forced marriage and essential information to assist front-line workers to respond effectively to a young person at risk.

What is forced marriage?

A forced marriage is when a person gets married without freely and fully consenting, because they have been coerced, threatened or deceived, or because they are incapable of understanding the nature and effect of a marriage ceremony for reasons including age or mental capacity.ⁱ

Some types of coercion are obvious and easy to identify, including the use of physical or sexual violence, or refusing to let somebody leave a particular place or location until they accept the marriage. Other types of coercion are less obvious because they involve psychological and emotional pressure. These types of coercion can include making a person feel responsible for, or ashamed of the consequences of not marrying, such as bringing shame on their family.ⁱ

A forced marriage that occurs in Australia is illegal. The Australian Commonwealth Criminal Code Act 1995 contains a number of forced-marriage related offences, which include that it is illegal to 'cause a person to enter a forced marriage' or to agree to 'marry a person who you know or suspect is a victim of forced marriage, unless you are a victim of the forced marriage yourself'.ⁱ It is also illegal to participate in the forced marriage of an Australian citizen overseas.

Sometimes young people are forced into a 'marriage-like' relationship, but where no registered marriage occurs. These can include 'cultural' or 'religious marriages', de facto relationships or arrangements for a 'promised bride' or a formal betrothal that is said to be irrevocable. Under Australian law, these types of forced relationships are covered under the offence of forced marriage.

When a person is under 18 years old the marriage is illegal in Australia¹ as they are unable to consent. It is important to remember, however, that young people over 18 years of age can also be victims of forced marriage.

Forced marriage is not limited to any particular cultural group, religion or ethnicity. While men and boys can be victims of forced marriage, most reported victims are young women and girls. As such, forced marriage is considered a form of gender-based violence. While there is limited data on the prevalence, it is apparent that forced marriage happens to a diverse range of young people in the Australian community.ⁱⁱ

1. An exception is where a court has approved a marriage where one party is aged between 16 and 18 years old and the partner is older than 18. For further information see the Marriage Act 1961 Part II—Marriageable age and marriages of minors. <https://www.legislation.gov.au/Details/C2016C00593>

What is arranged marriage?

It is important to know that forced marriage is distinct from arranged marriage. Marriage is practiced in different ways across cultural groups, including the process of choosing a partner, the acceptance of a proposal and the rituals of the marriage ceremony. In many cultures, it is common practice for family members to choose a partner for their son or daughter to marry and there are usually well-established protocols that are followed in determining a 'good match'. This is usually referred to as an arranged marriage. While it can be difficult for many people from 'mainstream' Australian culture to understand, some young people prefer to participate in an arranged marriage rather than choose their own partner and are happy to take the advice of their parents in accepting a proposal from an arranged suitor. These types of arranged marriages are not illegal in Australia as long as both people consent to be married.

Why does forced marriage occur?

Forced marriage is not necessarily a legal practice in other countries, and it is not condoned by any major world religionⁱⁱⁱ. However, in the home countries and communities of some migrant and refugee families it can be socially expected that young people will marry the person of their family's choosing, at times regardless of whether there is explicit consent to the marriage or not. When this occurs it is often in the context of social norms in which men are the primary decision makers and women have few legal, social or political rights.

Social norms in Australia can be quite different to many home country norms for migrant and refugee families, including that women can attend tertiary education and have careers; socialise in mixed gender groups; have boyfriends (or girlfriends) that they may not end up marrying, choose their own husband or choose not to marry; choose to have children or not, etc.

Many parents from refugee and migrant backgrounds adapt and support engagement by their children in these Australian social norms. However, some families may react strongly to young women attempting to act against their family's beliefs of what is appropriate behaviour. They may pressure the young woman to marry a person of the family's choice in a bid to control their behaviour. (Young men can also be victims of forced marriage for similar reasons.) Family members may threaten to take young women overseas to marry someone if they don't comply with a certain order or direction from the family, or if they continue to 'misbehave' in Australia. Families may do this under the guise of protecting the family honour or for a range of other reasons specific to the family context and beliefs.

It is important to note, however, that forced marriage is not a 'cultural practice' and that 'honour' is not a valid excuse for forcing a person to marry. Forced marriage is a form of abuse and practitioners should not dismiss disclosures from victims or the presence of risk factors under the rationale of it being cultural or religious practice. (Alternatively, arranged marriage can be considered a cultural practice and, as long as both parties fully and freely consent without pressure or coercion, should not be considered a form of abuse.)

What are the risks of refusing a forced marriage?

It can be extremely challenging for young women to refuse a marriage or rebuff threats and the stakes are incredibly high. A young person refusing to marry (or seeking to leave a forced marriage) can become a victim of violence, including physical, verbal, social and psychological abuse, by parents or male siblings. Young people may face a threat of death.

As well as experiencing conflict within their immediate family, young women may be excluded from their entire community because of the perceived shame associated with rejecting their parents' directions. Choosing to refuse a forced marriage comes with significant cost to what are often the most important relationships in a young person's life.

Compounding the issue, many young people may not know forced marriage is illegal or know what 'forced' means, often because they have been raised to believe it is 'normal'. Newly arrived young people may not know what their legal rights are in Australia or what available supports they can access and may not have networks outside their own family and community they can turn to for safety. Furthermore, young people may be forced to make adult decisions when they are not at a developmental stage necessary to do so.

As such, young people experiencing the threat of forced marriage usually feel extremely isolated, hopeless and trapped. They may have real fears for their safety and their future and believe they have no option but to either marry or leave their entire family and community forever.

It is therefore essential that all service providers are aware of and able to identify forced marriage risk indicators and refer appropriately, as early intervention by specialist support

Potential negative consequences for victims of forced marriage ^{iv}

- Sexual assault
- Physical violence
- Emotional violence
- Economic abuse and insecurity
- Social isolation
- Denial of education
- Loss of childhood / adolescence
- Early or forced pregnancy and childbirth
- Kidnapping / abduction
- Servitude
- Imprisonment
- Mental health problems, including depression, self-harm, suicidal ideation
- Death (through suicide or being killed)

Identifying a young person at risk

Front line workers in particular are likely to be a first 'point of contact' for a victim of threatened or actual forced marriage. However, the first indication of a threatened forced marriage may not be a disclosure. This can be due to:

- the fear many young people have that their family or community may find out they want to refuse a forced marriage
- the powerlessness and hopelessness many young people experience
- the time it can take for a young person to build trust with service providers
- the lack of awareness young people may have about what forced marriage is or their rights.

Rather, a range of other behavioural changes, issues or 'symptoms' that are the consequences of a threatened forced marriage may instead be the initial indicators that a young person is at risk.

For example, families can behave in highly controlling ways in an attempt to stop the young person from refusing or leaving a marriage. The young person may have their mobile taken away or phone calls and emails monitored by family. They may have their movements restricted, such as being unable to leave the family home without a chaperone, face unreasonable curfews or be only allowed to go to certain places. They may be 'watched' by siblings at school or in other social situations.

This high level of control, often coupled with either physical and/or psychological abuse, can cause significant mental health issues, including depression, anxiety, self-harm, suicide attempts or increased drug and alcohol use. It can also result in significant behaviour change and social withdrawal and these may be the first 'signs' a worker sees.

These scenarios can also lead to young people having repeated absences from education, community activities and employment, or a lessening of school or work performance. A sudden, unexplained absence or notification of an unexpected overseas 'holiday' can also indicate an imminent threat. Some young women living in Australia report being taken back to their home country or a transit country for a 'holiday' or to visit relatives, to find on arrival that they are attending their own engagement party and/or wedding. Women can then be involved in an application to bring their new husband to Australia, or be forced to remain overseas with their husband.

A young person is also at greater risk if family members have experienced forced marriage. For example, a young person may reveal that a sister is experiencing the risk indicators described above.

Could it be forced marriage?

Teachers, health care providers and workers in family violence, youth and social services may see young people with one or more of the following:

- unexplained or sudden absences from school or work, a drop in performance or a lack of vocational planning
- increasingly more restricted in what activities they can participate in or what technology they can use
- 'behavioural' challenges and withdrawal (stemming from severe social isolation and emotional/psychological abuse)
- new mental health issues or drug and alcohol use
- seeking treatment for, or shelter from, abuse, violence or rape
- seeking (urgent) pre-travel vaccinations and health checks (prior to being forced overseas for a wedding)
- housing issues (repeatedly running away from home or being homeless)

While these indicators could be due to a number of issues, if a young person attending your service is displaying or experiencing any of the above then they may be at risk of forced marriage, or experiencing the repercussions of refusing a marriage.

Early intervention is key, so if you identify a forced marriage risk indicator(s) in a young person it is essential to ask the young person about this, in a culturally sensitive way. Listen and respond to young people's worries even if there hasn't been a direct event or verbalised threat of forced marriage.

How to ask about forced marriage

It can seem difficult to raise questions around forced marriage. Below are some suggested conversation starters. (These questions are not a formal risk assessment, so if you are concerned, it is important seek specialised support to properly assess a young person's risk.)

- Do you feel free to make decisions regarding your education, what you can do for fun, who you can be friends with, what you wear, when and where you go out, etc? Are you able to make your own decisions?
- When you make choices that may go against the interests of your family, do you worry about the consequences?
- Who makes the decisions in your family? How does that make you feel?
- What do you do if you are not happy with a decision (made by family or community) that affects you?
- What would you do if your family made a big decision about your future that you were not happy with?
- If you have a problem, do you feel able to communicate your needs to others? Are you afraid of the consequences of speaking up? Who do you talk to?
- Where do you see yourself in 3, 6 and 12 months and 2 and 5 years?
- What are the supports you have around you?

Many young women may experience a degree of lack of control over their lives which could be revealed by these questions, but only a small proportion would be at risk of forced marriage. However, if you are particularly worried about the young person's risk, you could ask more specifically about forced marriage, such as:

- From what you've said, and my experience, I wonder about your ability to make decisions about your life. I'd like to discuss this further with you.
- Have you ever thought of the possibility of being subject to a forced marriage?
- Is this something that might happen to you?

What to do if a young person is at risk

If a young person has disclosed a threat to you, or you have concerns based on the risk indicators you have identified, the safety of the young person is the number one priority.

If you suspect there is an imminent threat of a forced marriage taking place call the Australian Federal Police (AFP) on 131 237.

The AFP are trained to investigate and can initiate processes that can help prevent a marriage taking place, such as revoking the passport of a young person or putting them on an airport 'watch list'.

If you are concerned about a young person's risk, regardless of whether a forced marriage might seem imminent or not, then you can also call the AFP for an anonymous consult. The [Australian Red Cross Support for Trafficked People Program](#) can also provide consults and expert advice.

It is inappropriate for non-specialised service providers to attempt to mediate with the family or support the young person to leave an abusive or coercive situation without further specialised assistance, as this may place the young person at greater risk.

Always

- Seek specialised support as early as possible - see the full list of providers and contact details below.
- Seek the young person's consent (wherever possible) before notifying specialist services. You can make anonymous consults.
- Depending on the age of the young person, you may also need to notify child protection services, or undertake mandatory reporting as per the legislation and requirements in your jurisdiction. Make sure you inform the young person you are legally required to do this and continue to support them through the reporting and response period.
- Provide information about their legal rights, legal services and support pathways.

If the young person is informed of their rights and options, yet does not want to take further formal actions through the AFP or other legal services, you can still seek specialist support for your own advice, you can still provide supported referrals to other services such as housing or mental health, and you can still support the safety of the young person.

Do

- Discuss with the young person a plan to keep them safe. A safety plan might include helping the young person find alternative accommodation (temporary or otherwise) or it may mean supporting the young person to return home with a series of 'What will I do if...' options for when a situation changes. The Attorney General's website on forced marriage has a safety plan template available: <http://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/ForcedMarriage.aspx>
Remember that the specialised services listed below can assist with developing a safety plan and provide a range of legal supports.
- Provide a non-judgemental and safe space for the young person to talk about the issue and any pressures they face.
- Be aware that the young person is likely facing significant pressures that extend beyond their family to the broader community, but that for the young person, their family and community are also important relationships they may wish to maintain.
- Provide consistent and regular contact with the young person while they are navigating their options and linking in with other support services – the risks to a young person can change on a daily basis.
- Emphasise that the young person is not to blame for bringing 'shame' or 'dishonour' onto their family, and that forced marriage is a crime.
- Be aware that if relatives or community members (including interpreters known to the family) are present during discussions with the young person, they may feel unable to speak up.

Do Not

- Do not speak with family or community members without the young person's consent, as it may place the young person at greater risk of harm.
- Do not justify parental behaviours or dismiss threats of marriage as being a 'cultural practice' - forced marriage is a human rights abuse and child protection issue, not a cultural practice.
- Do not attempt to mediate with the family unless you are trained specifically to do so in the forced marriage space.
- Do not break the young person's confidentiality unless required to do so for their safety or by legislation. Never promise a young person that you will 'not tell anyone' as you may need to at some stage.

Specialised supports and service providers

My Blue Sky

My Blue Sky is a dedicated forced marriage support and direct referral website with email, text and phone access points. It is a resource that can be safely used by young people at risk as it contains a rapid 'exit website' function and information on 'covering your tracks' on the internet.

www.mybluesky.org.au

1800 RESPECT

1800 Respect is a national counselling, information and support hotline for sexual assault and family violence. It can be accessed by victims and workers.

www.1800respect.org.au

1800 737 732 (24 hour hotline)

Australian Federal Police (AFP)

The AFP provide legal protection and investigative services for people in, or at risk of, a forced marriage.

Always call the AFP if you suspect there is an imminent threat of a forced marriage occurring.

The AFP also provide anonymous consults.

131 237

Australian Red Cross (ARC)

The ARC manage the Support for Trafficked People Program which includes case management for people who have been forced into, or are at threat of, forced marriage. Referrals for the program are received via the AFP.

The ARC can provide anonymous consults and expert advice for workers who are concerned about a young person.

www.redcross.org.au/support-for-trafficked-people.aspx

Anti-Slavery Australia (ASA)

ASA provide legal advice and representation for people in, or at risk of, a forced marriage. They also provide interactive presentations and workshops for schools, community groups and agencies and a range of information and education resources are available on their website.

www.antislavery.org.au

(02) 9514 9660

Additional Resources

The Australian Government Attorney-General's Department

The AG's Department has a range of information sheets and resources including safety plan templates on their website.

<http://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/ForcedMarriage.aspx>

Australian Catholic Religious Against Trafficking in Humans (ACRATH)

ACRATH have a range of resources including a forced marriage education kit for government, Catholic and independent schools across Australia.

<http://acrath.org.au/resources/human-trafficking/issues-of-human-trafficking/forced-marriage/>

The Right to Refuse: Examining Forced Marriage in Australia

McGuire, Magdalena (2014), Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good Shepherd Australia New Zealand: Melbourne.

<http://www.thelookout.org.au/sites/default/files/right-to-refuse-report.pdf>

Forced & Servile Marriage Casebook: Beyond the Stereotypes v1.3

Rosemount Good Shepherd Youth and Family Services (2014).

http://apo.org.au/files/Resource/forced-servile-marriage-casebook-april-2014_0.pdf

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