

Forced marriage in the context of family violence

Forced marriage is a violation of human rights, a slavery-like practice, and a form of family violence that affects many people – especially women – in our community.

This tip sheet provides information to help family violence practitioners understand what forced marriage is, the signs to look out for, and ways to support someone who has experienced forced marriage.

Family violence occurs in all cultures, communities and across all demographics.

While there are many similar factors experienced across the community, victim survivors from culturally, linguistically, and faith-diverse communities experience unique impacts and systematic barriers, as well as context specific experiences such as forced / early marriage, dowry-related abuse, and coercion based on visa status, which are not readily recognised as family violence.

Under the Family Violence Risk and Management Framework (MARAM) many Victorian workforces have prescribed roles and responsibilities in recognising and responding to people experiencing family violence.

There are many other risk factors and barriers to support to consider when working with victim survivors from culturally, linguistically, and faith-diverse communities.

The MARAM Practice Guides provide more information and detailed practice guidance.

This resource provides supplementary information to prompt further consideration and support your development as a family violence professional.

What is forced marriage?

Everyone deserves the right to consent to who they marry. But in some cases, one or both people do not understand the nature and effect of the marriage ceremony, or have been coerced, threatened, or deceived and have not personally expressed their full and free consent to the union. This is known as a forced marriage.

Forced marriage is defined as marriage that lacks the consent of one or both people being married. Under Australian and international law forced marriage is illegal and widely associated with modern forms of slavery. Forced marriage is also recognised by the Victorian Family Violence Protection Act 2008 (Vic) as a type of family violence.

Forced marriage is not limited to any particular cultural group, religion, ethnicity, age or gender.

While boys and men can be forced into marriages, evidence shows this issue overwhelmingly affects girls and women.

The risk of forced marriage is also heightened during periods of crises. For example, research shows COVID-19 drove the biggest surge in child marriage in 25 years.

Forced marriage is distinct from 'arranged marriage'. Arranged marriages are legal in Australia and, although organised by family members, require both parties' consent to the union.

Lubna's Story

Lubna is a woman from overseas. She consented to an arranged marriage with a man in Australia after being assured by her family and his family that he was the same age as her, had stable employment, and they shared many interests.

When she arrived, she realised the man was fifteen years her senior, had severe mental health issues, required constant support and care, was unemployed and lived with his parents.

In spite of this, Lubna was forced to marry and have sex with him.

His family took away Lubna's passport and other identity documents and forced her to cook, clean and care for the entire family.

After not disclosing her circumstances for many years, Lubna courageously contacted inTouch and shared her story with a case manager.

Lubna's story includes elements of human trafficking, servitude, deception and other forms of abuse and oppression.*

Co-occurring forms of violence and oppression

A person's experiences of forced marriage often intersect with other forms of abuse, coercion and oppression. Some of these are outlined below.

Human trafficking

Forced marriage can be linked to human trafficking, which is illegal under Australian and international law.

This occurs when a person is married after being brought to Australia or taken overseas / interstate through deception, force or coercion.

For example, a victim survivor may be told that she is going on a family holiday overseas, unaware she will be forced into a marriage upon arrival and deprived of access to her travel documents or passport.

Domestic servitude and labour exploitation

Many women who are victim survivors of forced marriage also experience domestic servitude.

Forced marriage may facilitate living with extended family (usually the perpetrator's) and can result in multiple perpetrators using violence against the victim survivor.

The victim survivor may be forced to work long hours performing household duties, or work for their family's businesses without being paid. This is illegal under Australian and international law.

Many women in these circumstances are denied opportunities to leave home or learn English.

Deception, family and community pressure

Sometimes, someone living overseas may consent to an arranged marriage in Australia, but on arrival neither the partner nor situation is what they expected.

In some situations, family or community members – from Australia or overseas – may also place immense pressure on them to get married.

Some LGBTIQ+ people are forced by their families into marriages to repress their sexual orientation or gender identity. These are forms of family violence and abuse and can be prosecuted as crimes if they are conducted in breach of a Family Violence Intervention Order.

Visa abuse

Some victim survivors of forced marriage may experience threats related to their immigration or visa status and sponsorship.

A person's immigration or visa status may also affect their ability to access support services or willingness to disclose the violence.

This is a form of family violence and abuse and can be prosecuted as crimes if they are conducted in breach of a Family Violence Intervention Order.

How to identify forced marriage

Forced marriage can be difficult to identify – especially if victim survivors themselves are not aware that their situation constitutes a forced marriage.

As a practitioner, it's vital to know the signs that may indicate a person is in a forced marriage - or is at risk of force marriage.

For example -

- » The person is always accompanied by family, and has little opportunity to be on their own.
- » The person's older siblings stopped going to school or were married early in life.
- » An engagement is suddenly or abruptly announced.
- » The person seems scared or nervous about an upcoming family holiday overseas.
- » The person spends a long time away from home, or suddenly withdraws from school, university or work.
- » The person tries to run away from home.
- » The person's family – or their spouse's family – controls their finances, behaviours or movements.
- » The person shows signs of experiencing depression, self-harm, social isolation and substance abuse.

Responding to someone who has experienced forced marriage

Below we have listed some tips for supporting victim survivors who have experienced, or are at risk of experiencing, forced marriage.

- » Approach forced marriage using an intersectional lens.

See the violence as complex, rooted in power and present in all cultures and communities.

Acknowledge the various intersecting forms of discrimination, oppression and barriers to safety that the victim survivor may be facing.
- » Provide support in a culturally safe way. Work collaboratively with the victim survivor with care and insight for their culture, while being mindful of your own.
- » Consider whether you need to use an interpreter, communication aids, or provide information in the victim survivor's preferred language.
- » Be mindful to speak with victim survivors without the presence of family or friends, to ensure it is safe to discuss their experiences and who they feel comfortable making disclosures to.

This can also include checking in with them if they are feeling comfortable with the interpreter provided if, an interpretation service has been engaged.
- » Assess the person's level of family violence risk in accordance with your responsibilities under the MARAM framework.

Include questions about forced marriage in your family violence risk assessment.

For example -

'How did you meet your current partner?'

'Do/did you have a choice about being married?'

'Have you received any threats about your immigration status?'

'Do you have access to your passport and other important documents?'

'Do you have concerns about custody of your children if you leave your partner?'
- » Partner with the victim survivor to develop a safety plan that considers their family, cultural, or friend networks as well as culture, identity and connection to community.

If they leave a forced marriage, they may be at increased risk of experiencing further violence.
- » Where possible, consider reaching out to culturally responsive family violence and health services for support for co-case management and secondary consults
- » Understand that for victim survivors with different forms of residency and visa status considering leaving their abusive relationship, there are real risks of losing visas and therefore access to government welfare, accommodation support, and family violence services, particularly if their partner is their sponsor.

There is legislation in place for special visas for victim survivors with different residency and visa status leaving relationships.

However, the process is often lengthy, challenging and does not guarantee outcomes for the applicant.

Partner with victim survivors to build understanding of their legal rights and entitlements, including supporting access to independent legal advice, financial assistance, compensation, and other support services.
- » Provide information on duty of care, information sharing schemes and consent limitations to help the victim survivor make informed decisions.

Victim survivors of forced marriage may be able to access support through The Australian Red Cross's Support for Trafficked People Program or the Human Trafficking Visa Framework.

Reporting forced marriage to authorities

In Australia, reports of forced marriage are generally investigated by the Australian Federal Police (AFP). However, successfully prosecuting forced marriage can be difficult. This is because the burden of proof for this offence is high and finding the right evidence can be difficult, especially when it needs to be obtained from overseas.

The AFP may refer eligible victim survivors to The Australian Red Cross's Support for Trafficked People Program.

You can also reach out to Red Cross for secondary consultation.

Before reaching out to the AFP, Red Cross or any other support services, always seek the informed consent of the victim survivor first, unless there is a serious threat or you are managing a child's family violence risk.

This is a responsibility under the **Family Violence Information Sharing Scheme (FVISS)** and the **Child Information Sharing Scheme (CISS)** for services prescribed as **Information Sharing Entities (ISEs)**.

Contact

Australian Red Cross

Phone: 9345 1800

Email: national_stpp@redcross.org.au

Australian Federal Police

Phone: 131 237

Referrals

Consider reaching out to the following services for secondary consultation and referral.

My Blue Sky

Australia's dedicated forced marriage portal providing information, support and legal advice to people in or at risk of forced marriages.

Phone: (02) 9514 8115

SMS: 0481 070 844

Email: help@mybluesky.org.au

mybluesky.org.au

Anti-Slavery Australia

Specialist legal practice, research and policy centre committed to the abolition of modern slavery in Australia.

Phone: (02) 9514 9662

Email: antislavery@uts.edu

antislavery.org.au

The Safe House (The Salvation Army)

A safe house and outreach support for women who have experienced trafficking and slavery in Australia.

Phone: 1300 473 560

endslavery.salvos.org.au

About inTouch

inTouch supports migrant and refugee women who are experiencing family violence in Victoria.

Phone: 1800 755 988

intouch.org.au