


# The Right to Refuse:

EXAMINING  
FORCED  
MARRIAGE IN  
AUSTRALIA



Domestic  
Violence  
Victoria

 Peak body for domestic violence  
services for women & children

Good Shepherd



150 years Australia  
Hope. Action. Justice.

Written by: Magdalena McGuire

May 2014

# **The Right to Refuse: Examining Forced Marriage in Australia**

Suggested citation:

McGuire, Magdalena 2014 *The Right to Refuse: Examining Forced Marriage in Australia*, Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good Shepherd Australia New Zealand: Melbourne.

Privacy note:

The names used in the case studies in this report are pseudonyms and all identifying details have been changed. The case studies have been developed primarily from the consultations that were undertaken as part of this project.

## **Good Shepherd Youth & Family Service**

[www.goodshepvic.org.au](http://www.goodshepvic.org.au)  
Kathy Landvogt, Social Policy Research Manager  
[klandvogt@goodshepvic.org.au](mailto:klandvogt@goodshepvic.org.au)

## **Domestic Violence Victoria**

[www.dvvic.org.au](http://www.dvvic.org.au)  
Alison Macdonald, Policy and Program Manager  
[alisonmcdonald@dvvic.org.au](mailto:alisonmcdonald@dvvic.org.au)

## **Good Shepherd Australia New Zealand**

[www.goodshepherd.com.au](http://www.goodshepherd.com.au)  
Rhonda Cumberland, Chief Executive Officer  
[rhonda.cumberland@goodshep.com.au](mailto:rhonda.cumberland@goodshep.com.au)



# **The Right to Refuse: Examining Forced Marriage in Australia**

*A joint project of  
Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good  
Shepherd Australia New Zealand*

Written by:

Magdalena McGuire  
Social Policy Researcher  
Good Shepherd Youth & Family Service

ISBN: 978-0-9871110-5-0

Publisher:  
Good Shepherd Youth & Family Service  
PO Box 6041  
North Collingwood Victoria 3066  
info@goodshepvic.org.au

© Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good  
Shepherd Australia New Zealand

May 2014

## Contents

List of Case Studies .....	5
List of Good Practice Examples .....	6
About Our Organisations.....	7
Recommendations .....	8
Key Findings .....	10
Introduction .....	12
Background to <i>The Right to Refuse</i> .....	13
Methodology .....	15
The Law on Forced Marriage .....	17
Forced Marriage: Key Issues and Questions.....	23
The Forum Discussions .....	34
Session One: Introduction to Forced Marriage.....	35
Session Two: The Law .....	39
Session Three: Practice Responses.....	47
Group Discussions .....	59
Conclusion .....	90
Appendices .....	91
References.....	96

## List of Case Studies

Family Honour.....	21
Sisters.....	24
Robbed of an Education.....	29
“I Want to Stay in School” .....	31
Friends of the Family.....	36
Married Under Religious Law .....	42
Kidnapped.....	46
International Student .....	51
Running Away .....	55
History of Trauma.....	58
“Married to Someone Good” .....	61
Under Pressure .....	64
Child Forced into Marriage .....	66
Married Under False Pretences.....	69
The Power of Money .....	73
Married Off for Money .....	76
Untouchable.....	79
Imagining a Different Future for Herself .....	85

## List of Good Practice Examples

Forced Marriage Case Book.....	14
Forced Marriage Scoping Study .....	50
The Choice is Yours.....	53
Guidelines on Forced Child Marriage .....	83
Forced Marriage Unit, United Kingdom.....	89

## **About our Organisations**

### **Domestic Violence Victoria**

Domestic Violence Victoria (DV Vic) is the peak body for family / domestic violence services in Victoria that provide support to women and children to live free from violence. With the central tenet of DV Vic being the safety and best interests of women and children, DV Vic provides leadership to change and enhance systems that prevent and respond to family violence.

### **Good Australia New Zealand**

Good Shepherd has been supporting people, especially women and girls, battling poverty and disadvantage for 150 years in Australia.

Good Shepherd Australia New Zealand, which is made up of Good Shepherd Sisters and mission partners, is the parent body for those organisations and projects that work as part of the Good Shepherd network around Australia and New Zealand.

Good Shepherd Australia New Zealand's objectives, through its Mission and Justice office, are to identify and fund research, advocate for change and resource service providers, in order to:

- reduce economic inequality
- promote social justice policies and programs
- increase commitment to marginalised and disadvantaged people.

Good Shepherd Australia New Zealand's priority and focus is disadvantaged and marginalised women and girls – a commitment first made by Saint Mary Euphrasia who founded the Good Shepherd Sisters in France in 1835.

### **Good Shepherd Youth & Family Service**

Good Shepherd Youth & Family Service works towards a world where women and girls are valued, safe, resilient and self-sufficient. In order to work towards this vision, we provide a range of services and support to people who are disadvantaged in our community. These include family violence services, family support services, financial counselling and microfinance. A central part of our mission is to challenge the systems that support poverty, disadvantage and gender inequality.

Our organisation is part of a broader network that works with women and girls in 73 countries around the world. The Good Shepherd network focuses on supporting women and girls who have been trafficked, forced to migrate and oppressed by abject poverty. As a result of this commitment to working with women and girls, Good Shepherd has been granted Special Consultative Status with the United Nations Economic and Social Council.

## Recommendations

Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good Shepherd Australia New Zealand recommend that:

### Education

1. The Federal Government funds a national community education campaign to raise the public's awareness of key issues relating to forced marriage, including the difference between forced and arranged marriage, legal capacity and consent to marriage, and the implications of the forced marriage provisions under the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* (Commonwealth).
2. Information about forced marriage is incorporated into respectful relationships programs delivered in Victorian schools.
3. TAFE Colleges are adequately funded so that they may identify, respond to and prevent forced marriage.
4. The Department of Education and Early Childhood Development supports schools to identify, respond to and prevent forced marriage.

### Responses

5. The State Government funds and supports the appropriate Victorian communities to develop their own solutions to forced marriage.
6. The Department of Health assists health professionals in being trained to identify and respond to forced marriage.
7. The State Government funds Domestic Violence Victoria to build the capacity of violence support services to identify, respond to and prevent forced marriage.
8. The Federal Government establishes a forced marriage hotline that provides expert advice and referrals to professionals and members of the public.
9. Good Shepherd Youth & Family Service develops a holistic service for women who have complex and multiple needs (including forced marriage). The service should be based on the following principles:
  - establishing trust between women and support workers
  - provision of long-term support
  - enabling women to build economically secure futures through education and training
  - assisting women to re/rebuild their community connections.
10. The Australian Red Cross develops a forced marriage coalition to build the capacity of the relevant sectors (including the community and legal sectors and government) to identify, respond to and prevent forced marriage. Part of the coalition's work could be to undertake a mapping exercise of the services available to people who have experienced forced marriage.



## **Research**

11. Anti-Slavery Australia and the Good Shepherd network are funded to undertake research on the prevalence and manifestation of forced marriage in Australia.

## Key Findings

This project drew on *The Right to Refuse* forum (a cross-sectoral forum on forced marriage which was held by the research partners) and the literature to devise some key findings about forced marriage. These findings are that:

- Forced marriage is primarily a human rights and gender equality issue, not a cultural issue. Having said this, any interventions around forced marriage need to be approached with cultural sensitivity.
- Forced marriage is a form of violence against women and girls. It can lead to a range of negative consequences for victims, including physical, sexual, and psychological violence, economic abuse, denial of education, social isolation, and mental health problems.<sup>1</sup>
- Forced marriage and arranged marriage are two distinct practices. While forced marriage is unlawful and harmful, arranged marriage is an acceptable practice (to the extent that it allows potential partners to consent to the marriage). Currently, there is little awareness in the community about the difference between forced marriage and arranged marriage.
- Little is known about the prevalence and manifestation of forced marriage in Australia. Nonetheless, it is clear that forced marriage happens to a diverse range of women and girls in the Australian community. Young women and women with cognitive impairments can be particularly at risk of experiencing forced marriage.
- School personnel, especially school welfare officers, are in a key position to identify potential cases of forced marriage involving girls and young women.
- Forced marriage cases are complex and cross over multiple service sectors. It is rare for victims of forced marriage to present with only one problem for which they require assistance.
- Many women and girls who have experienced forced marriage will require the assistance of domestic violence support services. Domestic violence services can be the first place where forced marriage is identified and responded to.
- Women and girls who have experienced forced marriage can be reluctant to engage with services. A key way to address this barrier is to establish a relationship of trust between the victim of forced marriage and a worker within the relevant service.
- A challenge for support workers is striking an appropriate balance between establishing trust with the victim of forced marriage and maintaining their own professional boundaries. This is because women and girls who have exited

---

<sup>1</sup> This report uses the term 'victim' to refer to a person who has suffered forced marriage. This term is not used with the intent of stripping people of their agency. It has been chosen over the more unwieldy term 'victim/survivor' for ease of reference and also because it acknowledges the fact that not all women do in fact survive their experiences of forced marriage.

situations of forced marriage tend to be very socially isolated. Under these circumstances, they may come to regard their workers as the most important people in their lives.

- Women and girls who have experienced forced marriage may require years of intense support to help them live safe and productive lives.

## Introduction

Forced marriage is an emerging issue in Australia. While this problem has undoubtedly existed in the community for some time, it is only recently that law and policy makers and practitioners have attempted to address this issue on a systemic level.

To date, the key response to forced marriage has been a legal one. In 2013, forced marriage became a specific criminal offence under Australian law. In spite of this development, not much is known about forced marriage in our community. Very little research has been conducted on this issue in Australia. As such, we are still grappling to understand what forced marriage is, who it affects, and how this problem can best be responded to and prevented.

*The Right to Refuse* represents a contribution to our knowledge base in this area. It was an action research project undertaken by Good Shepherd Youth & Family Service, DV Vic and Good Shepherd Australia New Zealand. The key part of this project was an information sharing forum that was held in September 2013. The forum was attended by a variety of professionals from the domestic violence, sexual assault, legal, young people and health sectors. The forum confirmed that forced marriage is a complex phenomenon that requires a targeted, cross-sectoral response. The forum also confirmed that forced marriage is not an exotic problem that exists 'somewhere else' in the world. Rather, it is a problem that is faced by women and girls in our own community.

This report sets out the findings from *The Right to Refuse* forum, as well as the key issues that were raised in the literature on forced marriage.

The first section of this report provides background information about *The Right to Refuse* project. It then outlines the research methodology that was used in this project. The next section provides information about the law on forced marriage in Australia. This is followed by a discussion of the key issues and questions that were presented by the literature on forced marriage. The report then provides an outline of the presentations and group discussions that took place as part of *The Right to Refuse* forum. An evaluation of the forum proceedings can be found as an appendix to this report.

It is hoped that this report will deepen readers' understanding of the problem of forced marriage in Australia. However, it is acknowledged that there is still a great deal that we do not know about this problem. In particular, we have much to learn about the experiences of women and girls who have been affected by forced marriage and, unfortunately, it is their voices that are missing from this report. Therefore, the *Right to Refuse* report should be approached in the spirit in which it is intended: that is the spirit of open inquiry, humility and the willingness to learn more.

## **Background to *The Right to Refuse***

Internationally, the Good Shepherd network supports women and girls who are marginalised or disadvantaged in the community. It is through this work that the problem of forced marriage came to our attention. Good Shepherd learned that, for many women and girls around the world, marriage is not a choice. Rather, marriage is something that is, subtly or overtly, forced upon them.

Fuelled by the belief that forced marriage is a fundamental violation of women's rights, Good Shepherd Australia New Zealand collaborated with Anti-Slavery Australia to conduct a ground-breaking study addressing forced marriage, called *Hidden Exploitation*. This report identified that, to date, there has been little research in Australia about forced marriage, and that this problem is not well understood in our community (Burn et al 2012). The report found that there is still the perception that forced marriage is an 'exotic' problem that only happens overseas. It said that there is little awareness that forced marriage is a problem that affects women and girls in our own community.

In response to this lack of knowledge, Good Shepherd has been undertaking work to raise awareness of the problem of forced marriage in Australia. In September 2012, Rosemount Good Shepherd Youth & Family Services in Sydney held a community forum on the topic of forced marriage. The forum was attended by a diverse group of professionals as well as members of the community. At the forum, a number of participants confirmed that, on reflection, they had probably encountered forced marriage during the course of their work. Rosemount Good Shepherd Youth & Family Services has continued to build on the forum by engaging with the community and researchers around the topic of forced marriage. More information about their work is available on their website.<sup>2</sup>

The Rosemount forum revealed that the community sector has an interest in learning more about forced marriage. Accordingly, Good Shepherd felt that there would be value in holding a forum about this topic in Melbourne. In September 2013, Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good Shepherd Australia New Zealand hosted a forum for professionals about forced marriage. The forum brought together participants to discuss forced marriage in a collaborative learning environment. The aims of the forum were to give participants information about forced marriage, to canvass their insights into this problem, and to get a sense of what further actions were needed to address this problem in Australia. As with the Sydney forum, the Melbourne event revealed that participants have a thirst to learn more about forced marriage and about how to better identify and respond to this problem. The findings from the forum are set out in detail in this report. It is hoped that this report captures the learnings from the forum and contributes to the push for more work to occur in this complex and under-researched area.

---

<sup>2</sup> Refer to Rosemount Good Shepherd Youth & Family Services' website at <http://rosemountgs.org.au/index.php/latest-research/forced-servile-marriage-project/>.

### **Good Practice Example: Forced Marriage Case Book**

Rosemount Good Shepherd Youth & Family Services in Sydney is developing a case book resource on forced marriage. The case book provides an educational tool for professionals who, in the course of their work in various fields, may encounter cases of potential or actual forced marriage. The case book is designed to be useful in a seminar style presentation and discussion of cases, with a focus on understanding the type of situations involved in forced marriage and the responses that may be appropriate.

The case book draws on 10 cases derived from the lived experiences of people in Australia who were involved in cases involving forced marriage. All cases have been edited to preserve the anonymity of the people who were involved in the cases or who watched them unfold. For this reason, each case in the book has been composed of elements from multiple real life cases.

Rosemount Good Shepherd Youth & Family Services writes that:

The cases included are deliberately cast as neutral in terms of culture, ethnicity, religion, country of origin and/or other social reference points. The simple reason is that this truly represents the nature of forced marriage. Almost identical cases have been observed or related from multiple, highly diverse contexts. Accordingly, this socially featureless presentation is an authentic approach which accurately portrays the most salient feature of forced marriage – that it transcends such boundaries and ought never be discounted as a possibility in any case, most particularly on the grounds of the supposedly “known” relevance of forced or servile marriage to any given community or in any particular context (Rosemount Good Shepherd Youth & Family Services 2014).<sup>3</sup>

---

<sup>3</sup> While the cases in the Rosemount case book do not specify people’s nationalities, the case studies in this report do. In some cases, people’s nationalities have been changed in order to protect their privacy. However, in other cases, it was difficult to discuss the person’s case without referring to their cultural background (because, for example, an issue such as the caste system was tied up with the circumstances of their forced marriage). In these cases, people’s real nationalities have been left in the case studies in order to preserve the key facts of the case. However, other identifying details have been changed in order to protect people’s privacy.

## Methodology

*The Right to Refuse* was an action research project. The Good Shepherd Youth & Family Service ethics committee provided clearance for this research to take place.

The aim of this research was to gather qualitative information about forced marriage in Australia. It did not aim to compile data on prevalence (though it is acknowledged that prevalence data is needed in the area of forced marriage).

The key part of this project was an information gathering and sharing forum, which was aimed at professionals. The forum took place on 3 September 2013. Fifty-six people attended the forum, representing 29 organisations from the following sectors:

- academia
- community
- ethnic support services
- family violence
- government
- health
- human rights
- humanitarian
- legal
- women's support groups
- young people's services.<sup>4</sup>

The forum strove to create a collaborative environment in which participants could learn more about forced marriage and share their professional experiences in this area. In particular, the forum aimed to:

- consider what 'forced marriage' means in law and practice
- examine forced marriage through legal, domestic violence, migration and young people's frameworks
- consider what can be done to better identify and respond to this issue.

In this report, the learnings from the forum have been complemented by a review of the literature on forced marriage, and a series of consultations with service providers who had experience working with the forced marriage client group. The information from the forum and consultations was used to develop the case studies that appear in this report. The case studies have been de-identified and use pseudonyms in order to protect people's privacy. They are interspersed throughout this report, and are not necessarily linked to the text that surrounds them. The case studies are used to illustrate both the personal and the broader systemic issues relating to forced marriage.

Limitations:

A key limitation of this research stems from the fact that it is primarily based on professionals' views about forced marriage. Due to ethical and practical difficulties in this area, it was not possible to consult any individuals who had been directly affected by forced marriage. Likewise, the focus on professionals means that the

---

<sup>4</sup> Refer to Appendix A for a list of the organisations that took part in this project.

project did not undertake consultations with communities affected by forced marriage. In this respect, the project represents somewhat of a top-down approach, rather than a grass-roots approach to research.



## The Law on Forced Marriage

### *Civil vs Criminal Law*

Before considering how forced marriage is addressed in Australian law, it is worth canvassing some of the broader debates that have surrounded the legal approach to forced marriage. One of the key debates in this area is whether forced marriage should be addressed by civil or criminal laws, or a mixture of both.<sup>5</sup>

Dr Aisha Gill, a prominent researcher in the area of forced marriage, has expressed reservations that making forced marriage a stand-alone criminal offence would do little to deter this practice from happening. Gill stated that criminalisation (in the United Kingdom context) would “be a distraction from efforts to assist and support women and girls at risk of forced marriage.” She believes that efforts in this area

would be better spent on ensuring that grassroots violence against women services, the police and other stakeholders are adequately funded, so that they can meet the needs of victims more effectively (Gill 2012, p.10).

In the event, the United Kingdom adopted a civil approach to the issue of forced marriage. In response to this, Kaye Quek has argued that the reluctance in the United Kingdom to criminalise forced marriage is misguided. Quek says that this reluctance can be traced to the (erroneous) notion that forced marriage is a cultural problem and, consequently, the government’s reluctance to intervene in what are perceived to be ‘multicultural issues.’ Quek says that this framework fails to recognise that forced marriage is an issue relating to violence against women. Therefore, if other forms of violence against women have been criminalised, why should forced marriage be any different? (Quek 2013).

In Australia, Joumanah El Matrah has argued in support of criminalisation, but has warned against locating forced marriage in the legislation on trafficking. El Matrah argues that this framing “presents an almost insurmountable barrier to raising community awareness. It makes the topic far more controversial than need be.” She makes the case for including “forced marriage within existing family violence legislation across the country, or in the federal government impressive violence against women policy framework” (El Matrah 2012).

### *Background to the Australian Law*

In Australia, forced marriage came to the attention of lawmakers in 2010, when the Federal Government released a discussion paper on forced and servile marriage. The paper called for submissions from community groups to inform potential legal reform (Burn 2013).

---

<sup>5</sup> Civil and criminal laws are typically attached to different legal remedies and outcomes for victims and perpetrators of forced marriage. For example, a breach of a civil law relating to forced marriage may result in a remedy such as an injunction which prevents the perpetrator from having access to the victim of forced marriage. By comparison, a breach of a criminal forced marriage law may result in a more serious outcome, such as the perpetrator being imprisoned for a significant period of time (Family Law Group 2012).

A number of organisations made submissions in response to this discussion paper, including Good Shepherd Australia New Zealand. In its submission in response to the discussion paper, Good Shepherd Australia New Zealand identified that the following principles should underpin legal reform:

1. community engagement and education
2. additional immigration and emigration safeguards to prevent forced and servile marriage<sup>6</sup>
3. systemic service provider coordination and training
4. obligation to identify and support women and children who are victims of forced and servile marriage
5. civil penalties to empower and protect women and children
6. criminal penalties to deter and prosecute offenders (Good Shepherd Australia New Zealand 2011).

Good Shepherd Australia New Zealand's submission in response to the exposure draft of the new legislation elaborated on the importance of having both criminal and civil laws to address forced marriage. This submission made the point that, while criminal penalties are important for deterring and addressing cases of forced marriage, these need to be complemented by civil protection orders and injunctions. It argued that these civil remedies should apply to both potential and actual victims of forced marriage, including those who are over 18 years of age:

At present only minors are afforded such protections. Our contact with women who have been subjected to forced marriages indicates that some victims are unwilling to pursue criminal charges against relatives or community members. Civil remedies could provide much needed assistance to such women to address the impacts on them of a forced marriage (Good Shepherd Australia New Zealand 2012, p.3).

The need for civil protection orders to complement the criminal law was a theme that arose in several other submissions in response to the discussion paper, including those of Women's Legal Services Victoria and Anti-Slavery Australia (Giacomazzo 2013).

#### *The Law on Forced Marriage in Australia*

In the event, the Australian Government opted to frame forced marriage as a criminal offence. This differs to the United Kingdom, where forced marriage is framed as a civil law issue.

In March 2013, the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* (Commonwealth) ('Slavery Act') amended the criminal law to create new offences relating to slavery and slave-like practices, including forced marriage (Burn 2013).

---

<sup>6</sup> According to Anti-Slavery Australia, servile marriage is a very specific form of forced marriage. A servile marriage involves three key elements: the selling of a woman into marriage, her transfer by her husband or his family to another party, or her being inherited by another person upon the death of her husband (Anti-Slavery Australia 2013). This report uses the term 'forced marriage' (rather than 'forced and servile marriage') as this is the term that is used in the Slavery Act.

Section 270.7A of the Slavery Act now provides the legal definition of forced marriage in Australia. The Act states that

a marriage is a forced marriage if, because of the use of coercion, threat or deception, one party to the marriage (the victim) entered into the marriage without freely and fully consenting.<sup>7</sup>

Simmons and Burn note that the Slavery Act incorporates a broad definition of 'coercion'. It states that coercion can include force, duress, detention, psychological oppression, abuse of power and taking advantage of a person's vulnerability (Simmons and Burn 2013).

The definition of forced marriage includes marriages that:

- were entered into under Australian law, or
- are recognised under the jurisdiction of a foreign country, or
- are registered relationships, or
- involve a victim who was not able to provide fully informed consent because of "natural, induced or age-related incapacity", or
- involve a party who is married to more than one person.<sup>8</sup>

As this makes clear, the Slavery Act protects those people who are forced into marriage in Australia, as well as Australians who are taken overseas and married against their will.

The Slavery Act creates two offences relating to forced marriage. The first offence involves "causing a person to enter into a forced marriage" (section 270.7B of the Slavery Act). A person is said to have committed this offence if he or she engages in conduct that causes another person to become a victim of forced marriage. This offence could apply, for example, to a family member or to a marriage celebrant who conducts a ceremony for a forced marriage.<sup>9</sup>

The second offence involves "being a party to a forced marriage" (section 270.7B of the Slavery Act). It is important to note that this offence only applies to the spouse who is the perpetrator of forced marriage, and not to the victim (Australian Government 2013). In some cases of forced marriage, both spouses may be the victims.

For both offences of forced marriage, there is a maximum penalty of seven years imprisonment for an aggravated offence and up to four years imprisonment for all other cases. Giacomazzo writes that:

This distinction between an ordinary and an aggravated offence is quite significant, due to the fact that it evidently recognises that not all cases of forced marriage are the same (Giacomazzo 2013, p.14).

The aggravated offence will be committed if the:

---

<sup>7</sup> Ideas around consent and coercion, threat and deception, are further explored in the summary of Professor Kneebone's presentation at the forum, which can be found in this report in 'Session Two: The Law'.

<sup>8</sup> For further information see section 270.7A(2) of the Slavery Act.

<sup>9</sup> For further information, see Professor Susan Kneebone's discussion of the Slavery Act in 'The Forum Discussions' section of this report.

- victim is under 18 years of age, or
- offender subjects the victim to cruel, inhuman or degrading treatment, or
- offender engages in conduct that gives rise to a danger of death or serious harm to the victim or another person (Simmons and Burn 2013).

To date, there is no case law that tests the parameters of the new legislation.<sup>10</sup> Therefore, it is not yet clear how the courts will interpret the forced marriage provisions under the Slavery Act.

---

<sup>10</sup> At the time of writing, a 26-year-old man had been arrested in Sydney for marrying, and having sexual intercourse with, a 12-year-old girl (Coulton 2014). It remains to be seen whether this man will be prosecuted under the Slavery Act.

### Case Study: Family Honour

Ara is a young Australian girl with an Afghan background.

When Ara was 15 years of age, her parents took her to Afghanistan for a holiday. She thought that the purpose of the trip was to attend her cousin's birthday party. However, after arriving in Afghanistan, Ara's parents told her that she was getting married. Ara told them that she didn't want to get married, but they disregarded her wishes. She was forced to marry a man named Rashid.

Rashid was in his 20s and was a friend of the family. He took the view that a man's wife was his property and, while they were in Afghanistan, forced Ara to have sex with him.

After the wedding, Ara and her parents returned to Australia and she went back to high-school. After one year, her husband came to Australia on a spousal visa. At the age of 16, Ara was pulled out of school. She started working in a cafeteria to support herself and her husband.

Ara and her husband lived in a flat in Melbourne. Her husband was violent, and would regularly beat her. He also forced her to have sex with him. Ara told her mother that her situation was "awful." Her mother said "You just have to accept it for the sake of the family." Ara wanted to leave her husband, but her brothers and her father said that they would kill her if she did so, as this would "destroy the honour of the family." Ara's husband also threatened to kill her if she left him.

As the years went on, the threat to Ara's safety escalated. Although her family had threatened to kill her if she left her marriage, she also feared that staying in her marriage would "be the death of her." When she was 20 years old, she escaped to a family violence refuge.

Ara's family violence worker, Jennifer, said:

The honour of the family was something that Ara spoke about a lot. But where does the honour of the woman fit in with that?

Jennifer believes that Ara's situation should have been detected by the authorities sooner, saying that:

It appeared people knew what was going on, but no one did anything. They seemed to think it was a 'cultural thing' so they didn't want to intervene.

Jennifer also believes that 'alarm bells' should have gone off for the Department of Immigration and Citizenship when Rashid arrived on a spousal visa that was attached to his 16-year-old wife.

\*

### **Issues Raised by the Case Study**

- Girls can be forced into marriage when they are under the marriageable age in Australia. Sometimes these girls are taken overseas to get married. Even if the overseas country has a lower marriageable age than Australia, the marriage in question can still be considered forced.
- Forced marriage can deny girls education and employment opportunities.
- Sexual assault and family violence can be consequences of forced marriage. Victims of forced marriage may experience family violence from their husband, as well as from their own family and their extended family.
- It can be extremely difficult for victims to leave situations of forced marriage. For some women, exiting a forced marriage may not be a viable option as this would place their safety at risk. Leaving the marriage may also cause them to be ostracised by their family and community (Phillips and Dustin 2004).
- The Department of Immigration and Citizenship may have an opportunity to intervene in some cases of forced marriage.
- Domestic violence services can be the first place where forced marriage is identified and responded to.

## Forced Marriage: Key Issues and Questions

### *What is Forced Marriage?*

This report uses the term 'forced marriage' to refer to a marriage that has been entered into without meaningful consent. In this report, the term forced marriage encompasses the concept of early and child marriage. This is consistent with the definition of forced marriage under the Slavery Act.

At the heart of forced marriage lie issues of consent and coercion. The Slavery Act reiterates these themes by stating that a marriage is forced if "coercion, threat or deception" are used to override a person's "full and free consent".<sup>11</sup> This definition creates a binary opposition between consent, on the one hand, and coercion, threat and deception on the other. While this may be a useful distinction in principle, in practice, it can be difficult to maintain.

As Chantler notes, some researchers have argued that, rather than being an act of individual agency, consent is actually context bound and embedded within power relations (Chantler 2012). Therefore, rather than being a binary opposition, consent and coercion should be viewed as existing along a spectrum. According to Simmons and Burn:

Forced marriage exists along a continuum of coercive practices where the pressure to fulfil expected gendered roles may, in some cases, deprive women and men of the opportunity to fully and freely consent to marriage (Simmons and Burn 2013, p.973).

Likewise, a submission by Women Living Under Muslim Laws, a United Kingdom organisation, states that:

Testimonies from front-line campaigners indicate that the spectrum of forced marriage ranges from marriage contracted as a result of physical force, fear of injury or death, to those contracted under the undue imposition of emotional pressure or social expectations. In other words, there is a considerable range of forms of pressures that may be exerted upon, and/or perceived by the individual in the absence of explicit threat... As such, practitioners who attempt to apply an 'objective' test of coercion may find it difficult to make a definitive determination that one or both of the parties to a marriage were not able to exercise free will, especially without falling into social or cultural stereotypes having to do with victimhood and agency (Women Living Under Muslim Laws 2013, p.9).

This indicates that the question of whether a 'forced' marriage has occurred is one that needs to be determined on a case by case basis, and with awareness that subtle forms of pressure can be used to coerce a person into marriage. As some of the case studies in this report illustrate, women may be forced into marriage because they do not feel that they can say no to the marriage. It is therefore important to recognise that 'full and free consent' means that a woman agrees to the marriage of her own accord, and knows that she has, as the title of this report suggests, the right to refuse the marriage.

---

<sup>11</sup> Section 270.7A of the Slavery Act.

## **Case Study: Sisters**

Nina is a 24-year-old woman who was born in Australia.

When Nina was 16 years old her parents took her to Turkey for a holiday. While they were there, they paid someone to change her birth certificate to indicate that she was 18 years old. Nina was subsequently forced to marry a man in his 40s.

After the wedding, Nina and her husband moved to Melbourne. Following this, she was repeatedly raped and physically abused by her husband.

Nina has two younger sisters. When her sisters were aged 17 and 19, they were forced into marriage by their parents. Both the younger sisters' husbands were abusive.

Nina and one of her sisters were living in a house together with their husbands. Nina and her sister decided that they had had enough and told their father that they were leaving their husbands. Their father told them that this was unacceptable. He made threats against their lives and severely beat them. During this attack, Nina's arm was broken and her sister sustained a broken nose. Their father took them to hospital and stayed in the room with them so that they would not have an opportunity to disclose the violence to hospital staff.

Eventually, Nina managed to escape the marriage and went into a refuge.

Sometime later, Nina remarried to a partner of her choice. The marriage broke down after a few years.

Now, Nina is at university and is studying social work. She would like to use her studies to help other women who have been affected by forced marriage.

\*

### **Issues Raised by the Case Study**

- Forced marriage can be an issue that directly affects several members of the same family.
- Victims of forced marriage may present in health services. Therefore, it is important for health services to be aware of the issue of forced marriage.
- In this case, the physical violence that the women suffered was a warning sign that they had experienced forced marriage. Professionals in the health, domestic violence and other relevant fields should be aware that some victims of family violence may also be at risk of experiencing forced marriage.
- Typically, victims of forced marriage will be unable to disclose their circumstances while they are in the presence of their spouse or family members. Therefore, it is important for professionals to speak to potential victims of forced marriage in a safe and private space.



### *Forced Marriage vs Arranged Marriage*

There is a tendency to conflate forced marriage with arranged marriage. During the consultations for this project, the researcher found many instances in which people used these terms interchangeably and were unaware that there was in fact a difference between them.

It is important, therefore, to establish the difference between these two practices.

As this report has discussed, forced marriage is a coercive practice that is against the law in Australia. In addition, it is a practice that is not condoned by any major world religion (Quek 2012).

By comparison, arranged marriage is a lawful practice where families take a lead role in choosing the persons to be wed. Although the families take a lead role in the proceedings, the decision to accept – or refuse – the arrangement remains with the potential spouses (Rauf et al 2013).

As this report discusses, forced marriages tend to result in a range of negative consequences for victims. By comparison, there is little evidence to support the notion that arranged marriages result in partnerships that are less successful than so-called ‘romantic’ or ‘love’ marriages (Black 2011). As Phillips and Dustin note:

At one level, arranged marriage is not so different from ‘romantic’ marriage, for in both cases, people tend to pair off with partners from the same social and cultural background. The research [that] parents carry out on potential partners may well prove a better guide to future compatibility than the more haphazard mechanisms of dating, and the expectations attached to arranged marriages may be more realistic than those associated with ‘romantic’ marriage (Phillips and Dustin 2004, p.18).

In light of this, it is important to maintain a distinction between forced marriage (which is an illegal and harmful practice) and arranged marriage (which is a lawful and acceptable practice).

Having said this, there may be instances where this distinction is not always clear. For example, Chantler has noted that, in practice, there can sometimes be a “slippage” between arranged and forced marriage (Chantler 2012). This “slippage” is an extremely complex area that is explored in a United Kingdom study by Gangoli et al. As part of this study, the authors interviewed 37 women who identified as being either single, in love marriages, in arranged marriages or in forced marriages.

Four of the women in the study by Gangoli et al identified as being in forced marriages. All four had been taken abroad to be married. Seventeen of the women said that they were in arranged marriages. In eleven of the cases involving arranged marriage, there was some element of force acknowledged by the participants during the research interview (additionally, five out of these eleven had no overseas dimension). The comments from the interview participants explored the boundaries between arranged and forced marriage in the following terms:

It never occurred to me to have an opinion or a wish in the matter... My parents met his parents and decided everything. No one ever consulted me.

And:

I was given a choice [about my marriage], my father did sit down with me and discuss it, but I could see the pressure he was under and I agreed... I was given the choice but if I look at why I said yes then I could say it was forced (Gangoli et al 2006, p.10).

The object here is not to query the legitimacy of arranged marriage or to conflate it with forced marriage. It is rather to illustrate the fact that issues of 'consent' and 'coercion' are complex and case-specific. In light of these complexities, it is all the more important to maintain a distinction between forced marriage and arranged marriage. Maintaining this distinction is necessary in order to educate professionals and members of the community about the forced marriage provisions under the Slavery Act, and what it means to give 'full and free' consent to a marriage.

### *What Causes Forced Marriage?*

Like other forms of violence against women, gender discrimination is both a cause and a consequence of forced marriage (Simmons and Burn 2013). Therefore, while boys and men can be victims of forced marriage, women are affected by this problem to a far greater degree and with more intensity. Although there is no reliable data on the prevalence of forced marriage either in Australia or internationally, the Forced Marriage Unit in the United Kingdom does collect statistics on reports of forced marriage to the unit, and these statistics shed light on the gendered nature of the problem. The unit reports that, in 2012, 82 per cent of reported cases of forced marriage involved female victims, and 18 per cent involved male victims (Forced Marriage Unit undated).

Applying a gender lens to forced marriage is also important because it emphasises what forced marriage *is* (an abuse of women's rights) as well as what it is *not* (a 'cultural problem'). While some commentators have presented forced marriage as a problem to do with culture, it is more accurate to portray it as a problem to do with *patriarchal* culture. The organisation, Women Living Under Muslim Laws, has unpacked this issue in the following terms:

All cultures, religions, and traditions are evolving, heterogeneous, and unstable entities. In most societies, however, a few individuals enjoy the ability to speak for, represent, and articulate the cultural values and positions of many, and use this influence to legitimise some interpretations over others. Furthermore, it is often those with the most political or economic power who are privileged with cultural or religious 'leadership.' Due to patriarchal social structures, these representative positions are mostly filled by men who then work to reinforce patriarchy using selective interpretations of culture, religion, and tradition (Women Living Under Muslim Laws 2013, p.14).

Again, this emphasises that the leading cause of forced marriage is gender discrimination and inequality, wherein girls and women are perceived to be commodities and unable to make decisions about who and when to marry. These types of patriarchal attitudes can manifest in notions of family honour, women as the carriers of culture, and the perceived dangers of female sexuality, all of which work to support or condone forced marriage. Other factors such as low education levels, civil and international conflict, HIV/AIDS and poverty have also been reported to increase the likelihood of forced marriage (Women Living Under Muslim Laws 2013). The findings of *The Right to Refuse* project also indicate that the desire to obtain money or a visa can be contributory factors towards forced marriage.

## *Impacts of Forced Marriage*

Forced marriage can have a range of negative consequences for victims, including:

- sexual assault
- physical violence
- emotional violence
- economic abuse
- social isolation
- denial of education
- economic insecurity
- 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 by family members for trying to leave the marriage, for example) (Jelenic and Keeley 2013; Rauf et al 2013; Simmons and Burn 2013; Women Living Under Muslim Laws 2013).

One participant in *The Right to Refuse* forum asked whether forced marriage always had to have a negative impact on victims. In particular, they questioned the assumption that forced marriage was always 'bad'. This is a valid question to ask. However, the vast majority of literature supports the notion that forced marriage is a harmful practice. This research project only found one study (dealing with marriage practices in Afghanistan) which suggested that forced marriage may not always have a negative impact on women (Smith 2009). In this study, Smith argues that forced marriage is largely used as a shorthand way to "refer to marriages that are seen as abusive, violent and/or illegal." She says that:

If a girl had no say in her marriage or if she did not want to get married or to be married to a particular man, but in the end the marriage is relatively non-violent and described as happy by the couple, and they are closer in age, it is rare that this is highlighted as a forced marriage. A number of respondents in this study described their marriages as forced but also described themselves as being happy in their marriages now. The questions, therefore, must be asked: is forced marriage only seen as a problem if the marriage is violent, the wife is abused or the man is considerably older than the woman? Is it only girls who are forced into marriages against their will? (Smith 2009, p.24).

Perhaps Smith's analysis has more to do with the *perception* of forced marriage rather than its practical impact. Her analysis points to the fact that the perception of a 'typical' picture of a forced marriage involves a young girl who is forced to marry an older, violent man (this type of portrayal can be particularly prominent in the media, see, for example, Murphy 2014). However, in practice, the reality can be more complex than this. For example, this research project found an example of a young woman who was forced to marry a man when she was 19 years of age (the man's age is not known). After the marriage, this woman reported that she got along well enough with her husband and she had no problems with him as a person. Nonetheless, it was clear she did not want to enter into the marriage. It was also clear that being forced to marry had a range of negative consequences for this young woman, including denial of choice, termination of education, economic insecurity and having a child earlier than she may have done otherwise (see the case study

'Robbed of an Education'). This illustrates that, even when a woman is forced to marry a man who is amicable and non-violent, the marriage can still have a range of negative, long-term impacts on her.

### **Case Study: Robbed of an Education**

Sondra works at a multicultural youth service. In the past, she had supported a young woman called Grace, who comes from a country in Africa. One day, Sondra bumped into Grace's aunt on the street. The aunt informed her that Grace had gone on a holiday to Africa and she would not be returning in the near future. This surprised Sondra, as she knew that Grace was very keen on study, and that she wanted to do Grade 12.

About a year later, Sondra bumped into Grace. Grace told her that she was married and was about to have a baby. Grace disclosed that her family had taken her on a holiday to Africa and had got her married at 19 years of age. Grace did not want to get married, but felt that she did not have a choice in the matter. She did not want to speak out about the marriage because to do so would bring shame on her family.

Grace said that her husband was a nice enough man. She said she had no problems with him as such. However, she said that, if it were up to her, she would have stayed single and in school. She was very disappointed that she did not get the opportunity to do Grade 12.

Grace's husband was still in Africa. It was now up to Grace to try to save up enough money to bring him over to Australia. She did not know how she was going to do this, as her Centrelink benefits barely covered her own expenses.

\*

#### **Issues Raised by the Case Study**

- Fear of bringing shame on their family can be a reason why women do not speak up when they are being forced into marriage.
- Even if a young woman likes the man she has been forced to marry, the marriage can still have a negative impact on her educational and personal development and financial security.

## *Prevalence*

Reliable, population-based statistics about the prevalence of forced marriage unfortunately do not exist (Simmons and Burn 2013).

Nonetheless, some organisations have attempted to estimate the extent of this problem. For example, Plan UK has said that, around the world, 14 million girls under the age of 18 are forced to marry each year. If this estimate is correct, it means that *every two seconds* a girl is forced to marry (Plan UK, undated). This estimate, though high in itself, does not capture women over the age of 18 who are forced to marry, nor does it capture boys and men who have been forced into marriage.<sup>12</sup>

There is even less evidence on the extent of the problem in Australia. Research is needed to get an idea of the prevalence of forced marriage, as well as the demographics and needs of the forced marriage client group.

While we do not know the extent of this problem in Australia, we *do* know that forced marriage happens here, and that it affects our own citizens. For example, Burn notes that the problem of forced marriage came to light with several high profile family law cases. These cases involved young women who were Australian, and who were forced into marriage while they were overseas (Burn 2013). Additionally, this report outlines 17 examples of forced marriage involving Australian citizens or people who had moved to Australia. Sixteen of these individuals were women and one was a man.

These case examples do not shed any light on the prevalence of forced marriage. However, they do confirm that forced marriage is a problem that affects our community, and that more information is needed about this group of individuals in order to better identify, respond to and prevent forced marriage.

---

<sup>12</sup> Forced marriage is a gender based problem, with women and girls representing the largest proportion of victims in this area. However, males can also be forced into marriage. The Forced Marriage Unit in the United Kingdom reports that some males are forced into marriage because they are gay or bisexual, or because their families suspect that they are (Hill and McVeigh 2010).

### **Case Study: “I Want to Stay in School”**

Tanaz is a young woman who came to Australia as a refugee from central Asia. She has been living in Australia for seven years with her parents and siblings.

When Tanaz was 16, her family took her on a holiday to Uzbekistan. While she was in Uzbekistan, her family organised a large celebration for her. When she asked why she was being given all the attention and presents, her parents showed her a photo of a young man. They said his name was Hakim, and told her: “You are engaged to this boy.”

After the holiday, Tanaz returned to Australia and went back to school. A year and a half later, when Tanaz had just finished Grade 11, her parents took her on another holiday to Uzbekistan.

One week into the holiday, her brother and mother told her that she was getting married to Hakim. Tanaz begged them not to make her get married, saying “I want to stay in school.” In response to this, Tanaz’s mother and brother beat her up; they threw her to the ground and kicked her head.

Tanaz spent the next week pleading with her family to let her get out of the marriage. They responded with violence and emotional pressure, calling her “a bad girl” and “a bad daughter.” However, in the event, her brother agreed to postpone the wedding. He turned the wedding celebration into a second engagement party.

Tanaz returned to Australia and commenced Grade 12. Her family continued to exert pressure on her to marry. They were physically and emotionally violent towards her. Tanaz could not concentrate on her homework and she started missing classes at school. Her teachers noticed that her behaviour had changed, and referred her to a welfare officer. Tanaz disclosed her situation to the school welfare officer. Tanaz said she did not want to get any services involved. However, she had previously established a good relationship with a worker from a multicultural youth agency, called Angela. Tanaz trusted Angela, and agreed to be referred to her for case management.

Angela says that she spent a great deal of time giving emotional support to Tanaz and talking her through her options. Tanaz would not consent to the involvement of any other services or to legal intervention. This was because she did not want to bring shame to her family. In addition, she feared for her safety.

Tanaz told Angela that her goal was to live by herself and go to university. However, she did not see how that could happen for her. She told Angela that:

“You don’t understand, in my community they will hunt you down and find you no matter where you go. They don’t care about the law or police. They will kill you if you don’t get married. I know stories of this happening.”

Tanaz continued to experience violence at home. She developed depression and suicidal ideation. On several occasions she was admitted to hospital for self-harm and attempted suicide. Angela linked Tanaz in with a psychologist who had experience working with young people from refugee backgrounds. Tanaz developed

a strong relationship with this psychologist. Angela says that the psychologist “went out of her way” to assist Tanaz, and saw her afterhours and on the weekends if she was in need of assistance.

After another hospital admission for self-harm, the school welfare officer and the psychologist spoke to Tanaz’s family. They did not broach the topic of forced marriage. However, they did stress the importance of Tanaz finishing Grade 12. Angela reports that, following this conversation, Tanaz’s mother seemed to be receptive to the idea of her daughter finishing school.

The school welfare officer and psychologist also spoke to Tanaz’s uncle. They raised the issue of marriage directly with him. He agreed that Tanaz should make her own decision about marriage. He spoke to Tanaz’s family and they agreed to ease the pressure on her while she was completing Grade 12. Tanaz appreciated her uncle’s intervention on this matter, but was sceptical about how much impact he could have. In the past, her uncle had intervened around the family violence, but these interventions did not have a long-term impact.

Tanaz completed Grade 12 and decided that she would like to be a police officer. She has started doing some training in this area. The training has given her hope for her future. However, her family still insists that she must marry the man they have chosen for her. Tanaz’s mother is now ill and Tanaz is reluctant to cause any problems for her by disobeying her wishes.

\*

### **What Worked in this Case?**

Angela says that, although it has been difficult to find a way forward for Tanaz, she has identified several things that “have worked” in this case. They are:

#### *Trust*

Tanaz was willing to engage with Angela and with the psychologist because they established relationships of trust with her. Angela says that:

“Trust is imperative to build a relationship with the person and to open up conversations around feelings of strength, shame, and the future.”

#### *A client-centred approach*

The multicultural service that Angela works for adopts a client-centred approach in its work. For this reason, consent and confidentiality are taken very seriously, and they only worked with Tanaz as far as she felt comfortable. This approach was vital for keeping Tanaz engaged in the service.

#### *Psychologist’s expertise*

Angela says that “having access to a psychologist who has a good understanding of cultural issues and working with young people” was critical in this case.



*A flexible school*

The teachers and welfare officer at Tanaz's school were aware of the situation that she faced at home. They were empathetic towards her and did not place pressure on her if she missed classes or exams.

*Education as a protective factor*

Tanaz was determined to stay in school and get an education. Education gave her hope for her future. Education also provided the workers with an opportunity to engage with Tanaz's family about her future without directly bringing up the topic of forced marriage.

## The Forum Discussions

*The Right to Refuse* forum brought together a range of professionals in a collaborative environment to learn, and share knowledge, about forced marriage.<sup>13</sup> As forced marriage is an emerging issue in Australia, the forum adopted an exploratory approach. As one person put it, “we are all learning about this issue together.”

The participants at the forum heard presentations from speakers who worked in academia and the community sector. These speakers are listed below in their order of appearance at the forum:

- Fiona McCormack, DV Vic (as MC)
- Robyn Roberts, Good Shepherd Youth & Family Service (Welcome to Country)
- Rhonda Cumberland, Good Shepherd Australia New Zealand
- Mouri Karim, Shakti Migrant & Refugee Women’s Support Group Melbourne (Shakti Melbourne)
- Professor Susan Kneebone, Monash University
- Reeta Verma, La Trobe University
- Francesca Pagani and Capella Henderson, Australian Red Cross
- Melba Marginson and Safa Almarhoun, Victorian Immigrant and Refugee Women’s Coalition (VIRWC)
- Maya Avdibegovic and Luba Tanevski, inTouch Multicultural Centre Against Family Violence
- Hiba Casablanca, Shakti Melbourne.<sup>14</sup>

In addition to hearing from the speakers, the participants had the opportunity to engage in discussions about the issues raised at the forum.

This section of the report outlines a summary of the speakers’ presentations. It then outlines the key themes raised by the forum participants in their discussions.

---

<sup>13</sup> Refer to Appendix A for a list of organisations that were represented at the forum. Appendix B outlines participants’ evaluation of the forum proceedings.

<sup>14</sup> Audio recordings of the speakers’ presentations can be accessed on the website of Good Shepherd Youth & Family Service at [http://www.goodshepvic.org.au/forced\\_marriage\\_forum/](http://www.goodshepvic.org.au/forced_marriage_forum/).

## Session One: Introduction to Forced Marriage

**Forced Marriage – Setting the Scene**, Rhonda Cumberland, Good Shepherd  
Australia New Zealand

The main message of *The Right to Refuse* forum is simple. This forum is about the right to marry with consent. But don't mistake simplicity for understanding or agreement. We are here because this issue is not fully understood or agreed on.

Forced marriage mainly affects young women. It might be one of the first encounters with legal inequality in a young woman's life. Marriage in childhood can never be good for the young woman involved. She cannot consent, she is physically immature, she is not ready to have children and she cannot reach her full potential if her life is only about service to others.

At Good Shepherd we regard forced marriage as another example of violence against women. We suggest, as a starting point, that this sector can advance our understanding of forced marriage, especially as we all need to increase connections with and services for younger women.

We have two pieces of legislation in Australia that deal with marriage. The *Marriage Act 1961* deals with consent to marry. But let's face it, the Act was not designed to protect the rights of women and girls. In recognition of this limitation, the Australian Government passed the Slavery Act in 2013, outlawing forced marriage.

Legislation is an important part of the answer. Most women in the world have no legal protection regarding marriage or intimate partner violence. The advancement of women's equality has required legislation in many areas. Legislation provides a foundation, it compels action to be taken when the law is broken and it enlists resources to protect women. The fact remains, however, that legislation is not the whole answer. We need to ask ourselves, now that the law is in place, what else is needed?

Younger women as a group are at the greatest risk of forced marriage. We want to provide a pathway for them into services and support. As a sector we need to find better ways to engage with young women and ensure that they do not fall behind. At Good Shepherd we want to be respectful of women's diversity. Our campaigns to stop violence against women, we hope, will unite us not divide us.

### **Cast Study: Friends of the Family**

Mariam is a 20 year old woman with a severe intellectual disability. Mariam was born in Australia, and has a Lebanese background. She lives with her mother, Shada.

Shada has family friends who are influential in the Lebanese community. These family friends told Mariam to pack some clothes and her passport because she was going away with them. Shada reported that Mariam tended to do “what she was told” and that she was quite compliant. Although Shada did not want the family friends to take her daughter, she felt that she could not stand up to them.

The family friends have told Shada that they are sending Mariam to Lebanon. They said that they will marry Mariam to their son so that he can come and live in Australia. They say that the wedding has been planned for later this year.

\*

### **Issues Raised by the Case Study**

- Forced marriage can affect women with intellectual disabilities.
- This case raises complex issues regarding capacity to consent to marriage. While some women with intellectual disabilities will have the capacity to consent to marriage, others will not. This is because capacity is both decision-specific and context-specific (Carter 2009). This means that some women will not have capacity to consent to marriage. Other women will have capacity to consent to marriage and therefore they must be given the opportunity to consent to, or refuse, marriage.
- The issue of capacity needs to be assessed on a case by case basis. In order to have capacity to consent to marriage, a woman with an intellectual disability or other cognitive impairment will need to understand issues such as:
  - what constitutes a marriage ceremony
  - what it means to be wife and husband
  - the difference between a relationship inside and outside of a marriage
  - a full understanding of sexual relationships (Rauf et al 2013).
- Some women with intellectual disabilities may be eager to please others. This trait needs to be taken into account when assessing their capacity to consent to marriage (Rauf et al 2013).
- If a woman with an intellectual disability lacks the legal capacity to consent to marriage, the marriage would be regarded as forced (HM Government 2010).
- Family friends may play a role in forcing women to get married.
- Some women may be kidnapped or abducted prior to being forced into marriage.

## **Campaigning on Forced Marriage, Mouri Karim, Shakti Melbourne**

Shakti is an organisation run by and for ethnic women. Shakti Melbourne is based on a similar model to Shakti New Zealand. Shakti Melbourne is collaborating with Good Shepherd Australia New Zealand to undertake a research project on forced marriage.

Forced marriage is a violation of a person's basic human rights. Forced marriage can compel women to a life of pain, shame and guilt.

We have personally seen the pressure on people to get married. For example, we have seen women who have been forced to marry so that their husband can access an Australian visa. When the men arrive in Australia, they often start abusing their wives.

Forced marriage is a sensitive issue. Often, women will not come forward about it due to their fear of racialised attacks and retribution from their communities.

It is important for every woman to speak out about this topic. We all need to support other women around the issue of forced marriage.

### **Practice Insight: View of a Police Officer**

In the community where I work, I see about one case of forced marriage each week. Normally the victims are young women who are under 18-years of age. This is child sex abuse. The law needs to go further to protect these women.

In my experience, 99 per cent of forced marriage cases are related to visas and money. Normally they involve a young woman who lives in Australia and who is forced to marry a foreign man. The woman's father will get money from the man's family in exchange for an Australian visa.

So far, the police have cancelled four visas through the immigration department by using details of payments from the grooms' families to the girls' families as evidence of forced marriage.

School welfare officers are normally the ones to identify that a forced marriage has occurred. They will notice that the girl is not coming to school, or that she is being home-schooled by her parents who have very low levels of English literacy.

It's very hard for women in this situation. Often they are threatened, or their siblings are threatened. The woman's parents might tell her "I'll hurt your sisters if you don't do what I say."

We need to get families to understand that forced marriage is not acceptable in Australia. They need to understand what consent is. They need to understand that the woman needs to consent to marriage, and that she cannot consent if she is underage.

\*

### **Issues Raised by the Practice Insight**

- Forced marriage is a problem that can particularly affect young women who are under 18-years of age. In light of this, schools have a potential role to play in educating women about their rights, and in identifying and responding to potential cases of forced marriage.
- While there is no data available on the prevalence of forced marriage in Australia, it is nonetheless clear that forced marriage is a problem in our community.
- The underlying cause of forced marriage is gender inequality. However, the desire to obtain a visa or money can function as contributory factors to forced marriage.
- There is a need to work towards long-term, positive attitudinal change in the community in relation to gender equality and respectful relationships.

## Session Two: The Law

### Forced Marriage in Domestic and International Law: What Does 'Forced' Mean? Professor Susan Kneebone, Monash University

#### *International law*

A forced marriage is one where there is no real consent. International law conceives of forced marriage as an issue of gender inequality and discrimination. There is no definition of 'forced marriage' in international law. Rather, the focus of international law is on the right *to* marry, which goes hand in hand with the right to form a family.

#### *Domestic law*

Forced marriage was criminalised in Australia by the Slavery Act. According to this legislation, a forced marriage is one where the "victim" entered into the marriage without "freely and fully consenting" because of the use of "coercion, threat or deception."

The legislation has created two new forced marriage offences, which are:

1. causing a person to enter into a forced marriage
2. being a party to a forced marriage (this only applies to the spouse who is not a victim).

#### **Scenario: Example of Reckless Conduct**

Andy organises a wedding ceremony for Priya and John.

It is subsequently revealed that Priya has been a victim of forced marriage.

Andy may be caught by the new legislation (the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking Act) 2013*) if:

- i. in organising the wedding, he was aware that there was a substantial risk that Priya would enter into a forced marriage, and
- ii. in having regard to the circumstances of the case, it was unjustifiable (reckless) for Andy to take that risk.

'Forced marriage' is new in the Australian legal lexicon. It has entered Australian law through criminal law and the idea of human trafficking. The Slavery Act deals not just with forced marriage, but with other aspects of slavery, forced labour and human trafficking. However, we need to be careful about putting forced marriage in a human trafficking framework because this does not capture everyone. Australia has a long history of *receiving* international marriage migrants, but the forced marriage

provisions in the Slavery Act focus upon only one aspect of the issue. The provisions extend to the conduct of Australian citizens overseas, so it seems that they were primarily intended to prevent *removal* of young women from Australia for the purpose of marriage overseas.

### *Scope of the new law*

The new legislation only applies to cases of forced marriage that took place *after* the legislation was passed. If the forced marriage took place before the legislation was passed, the parties will not be covered by the new law (but they may well be covered by other areas of Australian law).

The legislation applies inside Australia, and also outside of the country where there are Australian citizens or residents involved.

### *What does 'forced' mean?*

In the new legislation, the idea of 'force' goes beyond physical force, and extends to 'coercion, threat or deception'. 'Coercion' is defined to include: force, duress, psychological oppression and "the abuse of power" or "taking advantage of a person's vulnerability." This includes a vulnerability associated with age or a cognitive impairment.

In this respect, the legislation takes its ideas from the trafficking framework. It bases the notion of 'force' on the idea of an abuse of power or of taking advantage of a person's vulnerability. But what exactly does this mean? The United Nations Office on Drugs and Crime provides guidance about what constitutes an abuse of power. Essentially, it means an unequal relationship. But in trafficking law, this idea of an abuse of power has been one of the most difficult concepts to apply. This is because you need to look at the specific relationship between the person who is being forced to marry and the people who are allegedly forcing them into marriage.

### *What situations are covered by the new law?*

The legislation covers a range of different marriage situations. For example, it may cover a person who enters into a marriage, but does not know what they are entering into. Potentially, it also covers some arranged marriages.

This raises the question: at what point does an arranged marriage become a forced marriage? And what happens when there is initial consent to the marriage, but later on, that consent is withdrawn? This is an important consideration because evidence of exploitative international marriage arrangements indicates that many women enter into such arrangements willingly. However, many of these women *subsequently* find that they have been duped or misled either as to the:

- character or qualities of their husband
- nature of the marriage relationship
- true nature of the duties that will be expected of them.



### *Implications of criminalising forced marriage*

We need to question how this legislation is going to work and whether it was the best approach to the problem at hand.

For example, will the legislation provide adequate protection to victims? In the trafficking area, one of the issues has been with identifying victims. Often, victims do not want to come forward (because, for example, this could put their safety or that of their family at risk). We could question whether the same problem will be faced in the area of forced marriage.

There is also the issue as to whether criminalisation is the best option to pursue in this area. There is no doubt that the law plays an important educative role about the topic of forced marriage. However, there are concerns about using criminal law in this context, because the perpetrators of a forced marriage could be family members of the victim. Many victims will not want to bring a criminal action against their family members.

This raises the issue: what is the alternative to criminal law? The alternatives include civil remedies. For example, family law measures, mediation, and protective orders for young people could be used as alternatives to criminal law.

It is too early to determine whether criminal law will provide effective protective measures for all people affected by forced marriage.

### **Case Study: Married Under Religious Law**

Rehana is in love with a man called Abdul. Both Rehana and Abdul belong to the Islamic community in Melbourne. Their families have equal economic and social status. However, Rehana's family is bitterly opposed to her relationship with Abdul. They advised Rehana that if her relationship with Abdul continued, they would kill him.

Rehana's parents arranged a 'suitable match' for her. Despite her objections, Rehana was to be married to a man she does not love. The marriage ceremony was to take place in Melbourne. On the day of the marriage, her family arranged for security guards to keep Abdul and his family away from the ceremony.

On the day of the marriage, Rehana refused to accept the man's offer of marriage. However, two witnesses vouched for her acceptance, and the marriage ceremony was performed. Rehana's family have told her that she is now married under Islamic law (*Sharia'ah*).<sup>15</sup> Rehana is unsure whether she is married under Australian law and does not know what to do next (Verma 2013).

\*

#### **Issues Raised by the Case Study**

- A forced marriage may involve a marriage that is entered into under religious law (but not Australian law). This raises the question as to whether a marriage entered into under religious law will be considered a 'forced marriage' under the provisions of the Slavery Act. The answer to this question will depend very much on the facts of the case. Even if a woman such as Rehana was not entitled to protection under the Slavery Act, she may be entitled to other legal remedies.
- Women who are victims or potential victims of forced marriage may require access to specialised legal advice so they can get information about their rights and about what courses of action are available to them.

---

<sup>15</sup> On this point, it is important to note that Islamic law does not condone forced marriage. It has been stated that: "In Islam, marriage is a sacred contract between two people, which must be entered into freely and with mutual consent. The religion also mandates that the woman's consent is a prerequisite to the validity of the marital contract" (Muslimah Compass undated).

## **Looking at the Law from a Community Perspective – What Does ‘Marriage’ Mean?** Reeta Verma, La Trobe University

### *The private terrain of (forced) marriage*

Forced marriage is a sensitive issue. It is tied up with the issues of domestic violence and dowries. For example, if a woman does not bring in enough dowry into the marriage, she is regarded as rubbish. The more dowry she brings, the more respect she will command.

Working as a family dispute resolution practitioner, my first question to couples is how did you get married? Often, when I ask this question, the truth comes out: a forced marriage has occurred.

Most of the time, people do not ask the question: how did you get married? This is because marriage is an emotional and private topic. However, Bollywood and other cinema are opening up the discussion about the topic of marriage through films like *Bride and Prejudice* and *Bend it Like Beckham*.

In a marriage, there is a lot of parental influence at work. This means that, even if we have the new law, parents can still influence the couple before and after the marriage.

### *The concept of marriage from a community perspective*

To understand marriage, we need to understand the cultural contexts around it. For example, in Hindu, Sikh and Islamic cultures, both marriage and death are elaborate – and expensive – affairs.

Marriages are performed in a particular manner and have to follow the exact scriptures. In these cultures, marriage is an emotional affair where the honour of the family is at stake.

Typically, women are groomed to be ‘good wives.’ They are expected to conform to family, domestic and societal expectations around what constitutes a good wife. As part of this tradition, women are expected to fit in with their in-laws, irrespective of what happens to them in the family.

### *Categories of marriage*

The three broad categories of marriage are arranged marriage, love marriage and forced marriage.

#### 1. Arranged marriage

The family arranges a marriage for the couple by matching things such as their birth calendars, caste structures, and the families’ social and economic statuses. The parties normally consent to the marriage.

## 2. Love marriage

A person selects their partner and marries them with or without the consent of their parents, family and/or relatives. Until recently, this type of marriage was not encouraged in the community.

## 3. Forced marriage

The family coerces, threatens or deceives one or both parties to the marriage. One or both partners are unwilling to get married or do not consent to the marriage.

### *Issues raised by the new legislation*

While the new provisions in the legislation are welcomed and timely, the enforcement of the provisions may be problematic. For example, the victims may be unwilling to testify against their parents or relatives due to the fear that their families will be prosecuted.

The legislation also raises complex questions such as:

- What is the difference between a forced marriage and an arranged marriage? It is clear that, if coercion, threat or deception are used to compel someone to marry, this falls within the meaning of 'forced marriage' under the new law in Australia. However, there are many grey areas in between. For example, a family may engage in vigorous and persistent 'persuasion' to get a woman to enter into a marriage. At what point does persuasion turn into coercion?
- Given the secrecy surrounding the institution of marriage, how can we determine whether a marriage is forced or voluntary?
- What is the best way to support a victim once she has disclosed a forced marriage?
- How can the new law be enforced without being seen to interfere with the (perception of) the parental right to make decisions for their children?
- Which institutions are best placed to assist, support and empower the victims of forced marriages?
- How do we shift entrenched community attitudes about marriage?

### *Supporting women in the community*

My message to women is this: you are complete by yourself. You do not have to get married. That message has to be understood in our communities. They have to understand that no one has to get married.

We need to think about what community education programs could be put in place to help women resist the pressure to marry. On this point, it is important to tap into organisations that are already working with women.

We want women to come out and talk about their issues. This can happen through something like a women's group, where women gather to talk or do meditation or put on nail polish. It does not matter what the group is, it just needs to be something that invites their trust, that invites them to talk about the hard issues.

Practitioners working in this area need to earn the trust of the community so they can talk about this sensitive issue together. Once one woman speaks out about her situation and sees that her privacy is protected, she will tell others and they will speak out too.

Unless sufficient resources are directed towards community education programs and programs for supporting the victims of forced marriages, the issue will remain largely hidden.

### **Case Study: Kidnapped**

Nadira is a 23-year-old woman with a severe intellectual disability. She was born in Australia.

Nadira grew up on a violent household. Her father was very violent towards her mother. He was also violent towards Nadira.

Recently, Nadira's father said that he was going to get her 'married off' to someone in Uzbekistan. Nadira's mother was unhappy about this. When she raised her objections to the marriage, her husband became violent and threw her out of the family home. He would not let her take her daughter with her.

Nadira's mother is now living in a refuge. She reports that her husband has kidnapped Nadira and is taking her to Uzbekistan to get married.

\*

### **Issues Raised by the Case Study**

- Domestic violence may be an indicator that a woman or girl is at risk of experiencing forced marriage (Jelenic and Keeley 2013).
- People with intellectual disabilities can be at an increased risk of experiencing forced marriage (HM Government 2010).
- Kidnapping can be an offence that is associated with forced marriage. If a potential victim of forced marriage has been kidnapped, it is important to involve the police in her case (HM Government 2009).

## **Session Three: Practice Responses**

**Developing a Forced Marriage Service**, Francesca Pagani and Capella Henderson, Australian Red Cross

### *Trafficking program*

The Australian Red Cross forced marriage service sits within the trafficking program. Therefore, in order to get an idea of what the forced marriage service involves, it is useful to understand the basic elements of the Australian Red Cross trafficking program (refer to figure one).

In 2003, the Australian Federal government established a whole of government strategy to combat people trafficking. The key agencies involved in this strategy are the:

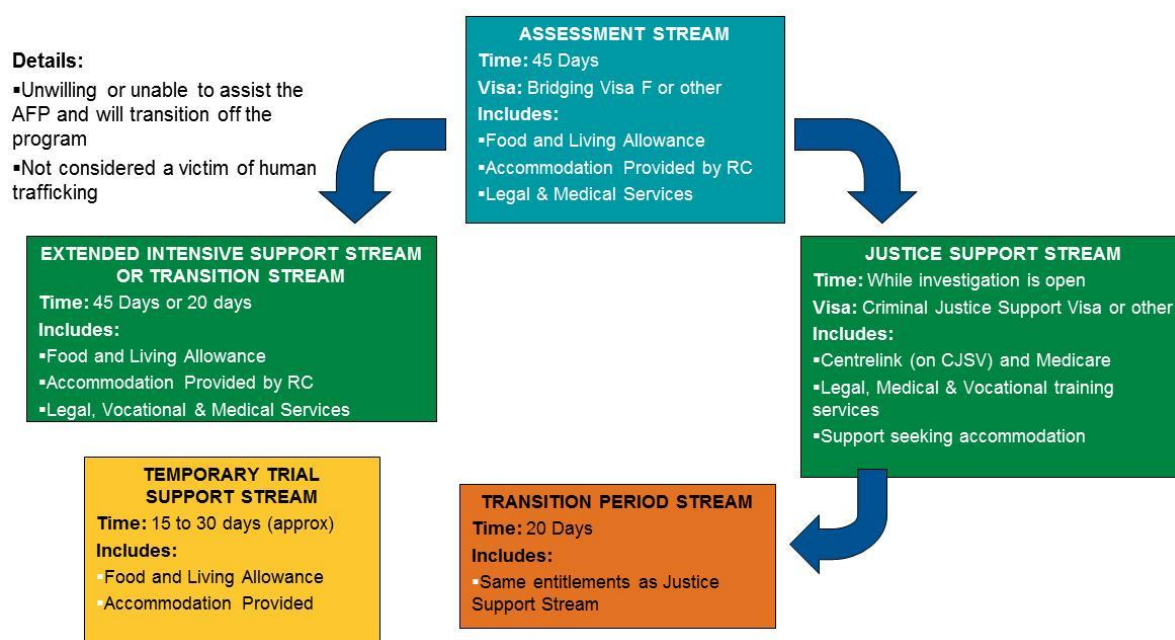
- Department of Immigration and Citizenship
- Australian Federal Police
- Commonwealth Director of Public Prosecutions
- Department of Foreign Affairs and Trade
- Department of Social Services (formerly the Department of Families, Housing, Community Services and Indigenous Affairs).

The Australian Red Cross trafficking program fits within this whole of government strategy. The whole of government strategy examines what can be done to prevent trafficking in Australia as well as internationally.

People who are eligible for the Australian Red Cross trafficking program may receive assistance with:

- obtaining immediate and longer term housing
- finances, through a basic living wage
- purchasing household goods and furniture
- accessing Medicare and Centrelink Special Benefit
- obtaining employment and training.

Figure one: Structure of the Australian Red Cross trafficking program



### *Forced marriage*

A key change that has come with the criminalisation of forced marriage is that the government has requested that Australian Red Cross provide assistance to people experiencing forced marriage under the current parameters of the program.

Australian Red Cross has not been given any additional funding to provide services to the forced marriage client group. We must meet their needs with our existing trafficking resources.

The key aspects of the forced marriage program are that:

- All referrals to the service need to come through the Australian Federal Police.
- A person who is eligible to enter the program will receive assistance for 45 days in the assessment stream. During this time, they will receive support and have an opportunity to decide whether they want to pursue the criminal justice process. The Australian Federal Police will talk to them about what this involves so they can make an informed decision.
- If the person wishes to stay in the program beyond the 45 days, they need to be willing and able to assist the Australian Federal Police with their investigations into forced marriage offences (this is similar to the structure of the Red Cross trafficking program, refer to figure one for further information).
- The person can withdraw their consent to being part of the Australian Red Cross program at any time.



Australian Red Cross acknowledges the limitations of running a support program that is tied up with the criminal justice system. We believe that people are entitled to support regardless of whether they go through the criminal justice process. For this reason, other supports are necessary to complement the program.

### *Scoping study*

Although Australian Red Cross has not received any funding to provide services to the forced marriage client group, we have been funded to undertake a 12 month scoping project about forced marriage. The scoping study is important because forced marriage is a new area for us. The aims of the scoping study are for the Australian Red Cross to:

- identify the demographics and needs of the forced marriage client group
- identify the relationships that the Australian Red Cross needs to build to provide referrals for this client group
- build the capacity of Australian Red Cross casework team to work well with this client group through training, policy and development
- identify gaps in available support services
- make recommendations to government.

Australian Red Cross is keen to collaborate with people who are already working in the area of forced marriage.

### *Outstanding questions*

There are some important questions that Australian Red Cross needs to find out about the forced marriage client group, including:

- Are they women, or are men also subject to forced marriage?
- Does it happen to adults or minors?
- Does it happen to Australian citizens or to migrants?
- What are their cultural backgrounds?
- Who is already working with this client group?
- How can the Australian Red Cross work with the community sector to best meet their needs?

### **Good Practice Example: Forced Marriage Scoping Study**

The Australian Red Cross is undertaking a Forced Marriage Scoping Project. As part of this project, the organisation will produce a report that explores the similarities and differences between the trafficking client group and the forced marriage client group. The report will:

- compare the demographics, and needs of, the forced marriage and trafficking client groups
- identify the services available to people who are forced into marriage
- examine the barriers to service provision for the forced marriage client group
- highlight the unique challenges for agencies in working with people who are forced into marriage (these challenges can include the complexities of people's family relationships and the difficulties in assessing risk of harm).

As part of this project, the Australian Red Cross has undertaken a comprehensive literature review and consultations with agencies across Australia (at the time of this report, over 60 agencies had been contacted). The perspectives of caseworkers on the Red Cross Support for Trafficked People Program have also been canvassed.

Through this project, the Australian Red Cross's Support for Trafficked People Program has been building the capacity of its caseworkers to work effectively with clients forced into marriage. Positive referral relationships have been developed with key agencies to ensure smooth referrals for clients who have been forced into marriage.

The final report on the project is due in August 2014.<sup>16</sup>

---

<sup>16</sup> Best practice example provided by Helen Soweby from the Australian Red Cross.

### **Case Study: International Student**

Arvin is studying in Australia as an international student. His parents are not very wealthy. However, they sent him overseas to get a good education and build a better future for himself. Arvin's parents have taken out a large loan to fund his education. Arvin feels indebted to them for the sacrifices they have made on his behalf.

Arvin is in love with an Australian girl at his university, Sarah. Arvin and Sarah would like to get married.

In the past, Arvin talked to his parents about the possibility of entering into a 'love marriage' (that is, a marriage of his own choice). His parents emphasised that this was not possible. Arvin says that if he reveals his relationship with Sarah to his parents, they will disown him.

Last Christmas, Arvin returned home for a holiday to see his parents. While he was there, his parents arranged for him to marry a girl from their village. Arvin did not want to marry her, but felt he had no choice in the matter (Verma 2013).

\*

### **Issues Raised by the Case Study**

- Although women represent the majority of forced marriage victims, men can also be affected by this problem (HM Government 2009).
- Some people are forced into marriage due to subtle pressures rather than the overt use of force or coercion.
- International students' associations at university and TAFE Colleges have a potential role to play in supporting students who have experienced, or who are at risk of experiencing, forced marriage.

**Grassroots Activism and Community Education**, Melba Marginson and Safa Almarhoun, VIRWC

We are starting early in terms of addressing an important issue. We do not want to go down the path that trafficking and female genital mutilation went, where the communities were not involved. We need a grass roots approach to the issue of forced marriage.

Our organisation is bringing women together through our Women Building Bridges project, which involves delivering women's leadership courses and assisting the women in developing their community projects. The women continue to be mentored and supported by VIRWC as they manage their projects. These women are called 'women champions.'

We have developed a model around women's friendship cafes, an offshoot of the Women Building Bridges project. The women go there for a few hours a week. They talk about things – about whatever they want – and connect with other women.

The women are out there. They are not hard to reach. You just need to provide them with a safe, welcoming environment.

Cultural and religious traditions intersect in the area of forced marriage. In our experience, there is a thin line between forced and arranged marriage. It is so important that communities are brought in around the issue of forced marriage. There is a bigger role for communities to play in this area. They are not just passive recipients of services. At a community level, money has to be invested into the prevention of forced marriage and the protection of women's rights.

We are happy that there are criminal sanctions against forced marriage. But it also scares us because the communities do not yet know about the law that criminalises 'forced marriage'.

There is very little documentation of forced marriage in Australia. Most of the work has been done outside of Australia, particularly in the United Kingdom. In the United Kingdom, a lot of work was done at the grassroots level: this is the next step we need to take.

VIRWC has produced materials on the topic of forced marriage. They are called *The Choice is Yours*. We have produced two sets of printed materials: a pamphlet and a postcard. They are a simple, non-threatening set of materials. They explain to girls what consent means. A lot of girls do not understand consent; they think consent means whatever their father or mother consents to.

### **Good Practice Example: The Choice is Yours**

The VIRWC has produced educational materials about forced marriage, called *The Choice is Yours*.

Two educational materials have been developed as part of this campaign: a wallet sized accordion style brochure aimed at young people, and a postcard aimed at service providers. The materials carry the tagline: 'The Choice is Yours – Make Your Marriage Vows a Choice!'

Safa Almarhoun from the VIRWC writes that:

The brochure for at risk students includes...definitions in laymen's terms so as to be easily understood, a short description as to the consequences of forced marriage and service contact information. The pink theme was chosen deliberately to make the brochure appear fashion or make-up related, in order to allow girls to safely carry them in their wallets without arousing suspicion (Almarhoun 2013, p.3).

Almarhoun notes that, "from the start", the VIRWC aimed to produce materials that were non-threatening, user friendly, and would connect with the audience on their own terms (Almarhoun 2013).

**Working with Women who have Experienced Domestic Violence and Forced Marriage**, Maya Avdibegovic and Luba Tanevski, inTouch Multicultural Centre Against Family Violence

Our work spans from prevention and crisis work to research and advocacy. We have a unique team. Most workers are from culturally and linguistically diverse backgrounds. We speak over 25 languages between us. We adopt a multidisciplinary approach to our work.

We work with women who are very vulnerable. They might marry in their country of origin and then come here on a spousal visa. After this, they find themselves in a foreign country, with no family or friends or social networks. They do not know the language or how the system works. Once you add to that the difficulty of being a victim of forced marriage and domestic violence, it becomes a very complex situation. These women can be abused on many levels, including physical, verbal, economic, sexual, psychological abuse and social isolation.

This is a group of women who do not access services. They do not know about services. In addition, they feel a sense of shame and fear. Once there is a sense of trust between the woman and the case worker, the case worker often figures out that a forced marriage has occurred, and that the woman is suffering different types of abuse.

These women do not have the option of going back home. They may be isolated from their family. In some cases, their family or their partner's family may have threatened to kill them.

If the women need assistance with their immigration status, we have someone in-house who can assist them. We can help them to apply for spousal visas under the family violence provisions. However this is a complex process; it is not easy. The Department of Immigration and Citizenship asks a lot of questions about whether it is a genuine relationship, despite the fact that the woman has already been granted a spousal visa.

Access to accommodation is crucial for women. Many women, particularly those who are asylum seekers, are not eligible for Centrelink assistance. Some of them get short-term accommodation for four to six weeks. Often, they cannot access transitional housing.

There are no extra funds available for those women without permanent residency. Services are reluctant to support these women because they are not funded to do this.

Many women do not have access to any income, so they are in a very vulnerable situation.

Women may face a host of legal issues. For example, some women can overstay their visas illegally, without knowing that this is the case. In order to address this, we need more information sessions about the law and relevant policies for women in their countries of origin and in Australia.

The level of risk faced by these women is striking. We see a number of women who do not have permanent residency in Australia who have been murdered by their partners. In light of this level of risk, we need to ensure that we have the best level of response available to these women. In order to do this, we need resources.

### **Case Study: Running Away**

Rochelle is a young woman who comes from a refugee background. Her parents arranged for her to marry a young man from her community. At first, Rochelle was open to the idea of an arranged marriage. However, she went on to develop a relationship with a young man from her school. His name was Yash and he was also from a refugee background. Rochelle and Yash's relationship developed, and they decided that they wanted to get married.

When Rochelle broached the topic of marriage with her family, they told her that she had to marry the man they had chosen for her. They said that under no circumstances was she allowed to marry Yash.

Yash spoke to his family about Rochelle, and they were also against the marriage.

After revealing their relationship to their families, the young couple feared for their safety. Both of their families made threats against them on the basis of their relationship. For this reason, Rochelle and Yash decided to move interstate. They felt that this was the only way that they could safely be together. However, as a result, they had to give up their families and communities.

\*

### **Issues Raised by the Case Study**

- A person might initially agree to enter into an arranged marriage, but then withdraw their consent to the arrangement. If the person withdraws their consent to the arrangement, and their families pursue it nonetheless, it may become a case of forced marriage.

- Both female and male victims of potential or actual forced marriage may feel that running away is their only option. They may have no experience of life outside the family, and leaving may mean that they lose their entire support systems. Living away from home with little support can make a person, particularly a woman, socially isolated and vulnerable to further abuse (HM Government 2009).

## **Who are We Talking About? Experiences of Asian, African and Middle Eastern Women and Youth in Forced Marriage**, Hiba Casablanca, Shakti Melbourne

### *Differences and commonalities*

The term 'culturally and linguistically diverse' is a very broad umbrella term. Within this term, people have different histories and experiences. Therefore, we need to recognise the fact that people have different needs. This is not about division: it is about tailoring different approaches to meet those different needs.

Nonetheless, there are common threads within Asian, African and Middle Eastern communities. For example, there are similarities in these communities' values and priorities, ways of organising the communities, and ways of organising families.

### *Forced marriage*

Forced marriage is tied up in community attitudes towards women and girls. These attitudes are not necessarily inherent: they involve normalised and socialised values.

Community attitudes about girls and women can be that they:

- belong in the home, in the private sphere
- should behave in certain, gendered ways
- should make an individual sacrifice for the collective whole
- are an extension, or property of, their parents or family
- have a strong role to play in protecting the family's honour.

Community attitudes can posit marriage as a:

- contract between families
- financial exchange (for example, through dowries)
- means of controlling and regulating sexuality
- division of labour and enabler of servitude
- means for trafficking individuals across borders.

These values are not static: they can evolve. However, these attitudes can become internalised for some women and girls.

### *Community dynamics*

It is important to factor in the community as an actor in the area of forced marriage. Community members can become abusers or enablers of abuse through:

- policing 'honour'
- perpetuating stigma around certain types of relationships
- making the issue of forced marriage invisible or a taboo subject.

Forced marriage can also be an intergenerational issue. It may have happened to the girl's mother, or to her grandmother.



### *Barriers to safety*

People can be placed at risk of forced marriage due to:

- their unfamiliarity with their rights and the law in Australia
- dowry abuse
- their visa status (the family may use the person's permanent residency to bring another person into the country via the marriage).

Younger girls and boys who experience forced marriage experience greater barriers to leaving the relationship and getting support.

To conclude, I want to emphasise that we should all actively practice intersectionality around gender and race in the work that we do.

### **Case Study: History of Trauma**

Clara is a Sudanese woman who was forced into marriage while living in Sudan. Her husband moved to Australia shortly after the marriage, whereas Clara went to a refugee camp in Africa. While she was in the camp, she was raped by a man who lived there. As a result, she became pregnant and had a child.

When her child was two-years old, Clara moved to Australia on a spousal visa. Upon arriving in Australia, her husband was abusive towards her and her child.

Clara fled interstate with her child in order to escape the abuse.

\*

### **Issues Raised by the Case Study**

- This case does not fall under the jurisdiction of the Slavery Act as all of the individuals involved are overseas citizens, and the forced marriage took place overseas. Nonetheless, Clara would still need support to deal with the trauma that she has experienced. On this point, it should be noted that women from refugee backgrounds may have long histories of violence, including physical, sexual, emotional, economic abuse and forced marriage.

- Research shows that prior experiences of violence can increase the isolation and shame felt by refugee women in Australia. These feelings can be compounded by ostracism and exclusion from their own communities (Zannettino 2013).

## Group Discussions

The forum participants had the opportunity to engage in small group discussions around the themes raised by the presentations on forced marriage. Each small group had a facilitator and a note taker to guide and record their discussions. The small group discussions are presented thematically in this section of the report. There are overlaps between some of the themes set out in this section of the report. This is because some themes (such as education) emerged at multiple points in the group discussions.

### The nature of forced marriage

*Forced marriage is complex issue that is not well understood in Australia*

Forced marriage is a complex, multifaceted issue. People agreed that there was a lack of understanding about what forced marriage is in the community, and a lack of awareness that this is even an issue in Australia.

Some participants said that, although this problem affects both genders, women face a higher risk of forced marriage than do men. They questioned why this was the case. One person proposed that forced marriage is a form of gender-based violence and, like other forms of gender-based violence, it is driven primarily by inequality between men and women.

One person, however, raised the point that the group appeared to be making assumptions about women's experiences of forced marriage. This person questioned whether forced marriage is always a negative experience for women.

People acknowledged that forced marriage is an emerging issue in Australia and, as such, we simply do not know enough about it. One of the difficulties here is that forced marriage is a hidden and under-reported problem. Participants said that more information was needed about the:

- prevalence of forced marriage in Australia
- indicators of forced marriage (that is, how do you identify that a person is a victim?)
- outcomes for women affected
- appropriate service responses (for example, if a woman was self-medicating due to her experiences of forced marriage, could she be seen in a general rehabilitation centre, or would her situation require a specialist approach?)
- best ways to reach out to the communities without making them feel under attack.

It was suggested that, in order to get a better understanding of this problem, Australia should look to other countries – particularly the United Kingdom and the United States, as they are more advanced in their understanding the problem of forced marriage.

### *Framing forced marriage*

A couple of participants said that forced marriage should be framed as a human rights issue, rather than a cultural issue. One person pointed out that the issue of forced marriage is not specific to migrant cultures. They said that:

There's a long tradition of forced marriage in Australia, especially when it comes to young girls falling pregnant and being forced to marry. But when these Australian women are forced to marry, it's often not called that – it's shrouded in different terminology.

### **Case Study: “Married to Someone Good”**

Anita is a young woman from an African background. She is 18 years old. Anita’s mother planned a holiday for her in Africa. Prior to the holiday, her mother was talking about getting Anita married when she was in Africa. Anita said she did not want to get married. She was concerned about the holiday, as she knew other people who had been ‘married off’ while they were overseas. She tried telling her mother that she did not want to get married, but her mother said that she knows what is best for her.

Felicity, a worker from a multicultural service, has known Anita’s mother for over 10 years. Felicity says that she believes that the mother was acting with good intentions:

She wants her daughter to be married to someone good. The thinking is, if you want someone good, you go back to your own community, your own country. That way she knows that the man has been raised in a certain way, and she wants that for her daughter.

Anita has now been taken overseas for a holiday. Felicity has concerns about Anita, but does not know how to assist her:

How do you safety plan when the woman is in a different country and she doesn’t have access to her passport or money? I can’t get her money because I don’t know where she is. It’s so difficult.

\*

### **Issues Raised by the Case Study**

- Young women may be forced into marriage while on an overseas holiday. The experience from the United Kingdom indicates that, once a potential victim of forced marriage has left the country, it is very difficult to assist them. Therefore, if workers have an opportunity to intervene before the young woman is taken overseas, they should do so (HM Government 2009).

- The Australian Government ‘Smart Traveller’ website provides advice to Australian citizens who are at risk of experiencing forced marriage while overseas. The website advises that, if a person suspects that they are at risk of experiencing forced marriage while overseas, they should call the Australian Federal Police. The website acknowledges that, once a person is overseas, it is much harder to get help. People who are overseas are advised to call the Consular Emergency Centre for advice (Australian Government 2013).

## The law

### *Criminalising forced marriage is important – but not an end in itself*

Most people acknowledged that, although there are limitations to the law's ability to address a complex social phenomenon, criminalisation was still a step in the right direction. In particular, they felt that criminalisation sent out a strong message to the community about forced marriage. One person said that:

When we talk about forced marriage we're starting to go into community expectations around relationships. This is where the law is at the cutting edge of social change.

Another person noted that: "If we don't have the criminal law there as a statement, we're short-changing young women."

However, some people felt that "criminal law can further disadvantage the young women we are advocating for." It was suggested that a mix of criminal and civil laws would have been preferable to the current approach. One person suggested that adopting purely a criminal law approach to forced marriage was a bit like trying to solve the problem with "a sledgehammer."

On this point, another person pointed out that similar problems were associated with the laws on rape. They said that, although only two per cent of sexual assault reports result in a legal conviction, criminalising sexual assault is still important. Other people felt that the law had practical implications for protecting women who had experienced forced marriage, or who were at risk of experiencing forced marriage:

I've seen cases where fathers have effectively sold their daughters into marriage. These women need the protection of the law.

It was suggested that a more holistic legal approach would be to incorporate this issue within a human rights framework, for example, in a Bill of Rights, or in the *Charter of Human Rights and Responsibilities Act 2006* (Victoria). It was felt that this would approach would open a broader dialogue on the issue of forced marriage, rather than containing it within a criminal law framework.

### *Law can be used to bring about cultural change*

It was suggested that the forced marriage legislation could, potentially, help bring about cultural change in the community:

We have seen already the leverage that the *Family Violence Protection Act* has had – it's started a shift in the family violence scenario. Maybe the new law will have a similar impact on forced marriage.

As part of this cultural change, it was suggested that communities needed to understand the concept of 'consent' in light of the new legislation. They acknowledged that the issue of consent is a complex one:

Long-term consent is not always considered here. In many situations, consent is given based on immediate 'danger' conditions.

This means that a person cannot offer full and free consent under conditions of danger. This fact is recognised by the Slavery Act, which states that the use of coercion, threat and deception can undermine a person's consent to marriage.

Some people were sceptical about the potential of the law to change community expectations around marriage. They said that

if a family is not ready to change, then it is difficult to see what impact the law would have on them.

There were also concerns about the criminal law approach interacting with entrenched community expectations. Some people felt that, although the law could potentially empower women and girls, it could also put them in danger.

#### *The law needs to focus more on prevention*

Some people believed that the new law could be strengthened by focusing more on the prevention of forced marriage – not just on its prosecution and redress.

One person stated that “it's good the law covers the overseas recruitment of spouses.” They said that, in order to effectively tackle forced marriage, Australia needed to adopt an international approach to this problem. It was noted that Shakti is already doing this, by coordinating its work with the Indian High Commission.

#### *Is the law racially motivated?*

One person questioned whether the new legislation would specifically target ethnically diverse individuals in its implementation. In response to this, another person said that the offence of forced marriage applies to everyone: it is not located in a culturally specific framework. The test, then, will be in how the law is implemented in practice.

#### *The law needs to be coupled with community engagement*

The group also spoke about the importance of striking a balance between legal and community responses to forced marriage:

A legal response is important, but it will only take us so far on this issue. We need a broader response to the problem of forced marriage; in particular, we need communities to get active around forced marriage. Unless you take the communities with you, the issue will not get anywhere.

People were emphatic in saying that the new legislation needed to be partnered with community education and engagement. It was pointed out that the community was left isolated in efforts to tackle female genital mutilation. However, the new forced marriage offence presented an opportunity to engage the community on this issue.

### **Case Study: Under Pressure**

Lina is an 18 year old woman who comes from Iran. She lives in Australia with her parents and siblings. She grew up in a household with a violent father.

Lina's mother is described as being "quite liberal". She encouraged her daughter to get an education. However, Lina reported that her mother's behaviour 'shifted' once her friends started marrying off their daughters.

When Lina was in Grade 11, the parents of young men in her community started contacting her parents, wanting to arrange a marriage between Lina and their sons. Lina told her parents that she was willing to enter into an arranged marriage, but she wanted to wait until she had finished university. Lina's parents disregarded her wishes and got her engaged to a young man from the same community as theirs. However, Lina's family subsequently had a disagreement with the young man's family, and they broke off the engagement.

When people found out that Lina was no longer engaged, they started calling her parents to try to arrange a marriage for her. Lina's case worker reports that:

There was a lot of pressure coming from the community, with boys' parents contacting her family for the engagement. People were ringing up about it all the time. Everyone knows everything about each other, and they started saying that the mother was a bad mother. They said that if the young woman didn't get married soon, no one would want her.

Lina was very distressed about the prospect of getting married. She was often teary at school and was not doing her homework. A school welfare officer noticed the change in her behaviour, and referred her to a multicultural youth service.

Around the same time, her father's violence towards her mother escalated. Lina's mother decided to separate from her father, and took an intervention order out against him. This was 'a big no no' in her community. People started saying that her mother was "bad" and, as a result, no one from the community wanted to marry Lina anymore.

\*

### **Issues Raised by the Case Study**

- Communities can play a role in perpetuating gender stereotypes and norms about marriage. Targeted education is needed to change these attitudes and beliefs.



## Community engagement

### *A grassroots approach is essential*

Engaging with the community was viewed to be the key to the success – or failure – of the new legislation. However, it was acknowledged that the grassroots approach is not the simplest approach, and can take a long time to be effective.

People emphasised that communities have different characteristics, including different histories, cultures, economic contexts and, possibly, different languages. For this reason, community engagement on the topic of forced marriage cannot adopt a 'one size fits all' approach.

One person pointed to the VIRWC for a positive example of community engagement. They said that the VIRWC has been developing leadership courses to women for over 10 years. Currently, they have 10 women's friendship cafes operating in Melbourne. People agreed that appropriate women's support groups were needed to address the problem of forced marriage. Another person pointed out that, whatever interventions are developed, these must come from a grass-roots level:

Each community has to sit down and do the soul searching to find the solution to forced marriage. But it has to be *their* solution.

Likewise, another person agreed that opportunities for change had to come from within the communities themselves:

I've met amazing young women from the communities who are incredibly articulate about gender and forced marriage. I've also met some very liberal mothers. So it's a matter of somehow harnessing those things together – those are the generations you need to target. Bring them together so they can come up with ideas about how to bring about change in the communities. And target liberal men too – they can also be spokespeople for change.

## Case Study: Child Forced into Marriage

Saba was 13-years-old when she was married in Pakistan to an older man called Omar. Saba's parents wanted her to marry Omar as he was a friend of the family. Saba did not want to get married but, due to family pressure, felt that she did not have a choice in the matter.

Omar physically and sexually assaulted Saba on a regular basis. On one occasion, Saba tried to escape the violence by fleeing to her family home. When she disclosed the violence to her father, he told her that she had to "work it out with her husband." Her father warned her not to bring shame on the family. He said that she must not abandon her marriage as it was a contract, not just between her and her husband, but between their two families.

While in Pakistan, Saba had three children with Omar: two boys and a girl.

Saba was 30-years-old when she moved to Australia with her husband and children. Her oldest child was 16. She arrived in Australia with documents that falsified her age in order to cover up the underage marriage.

In Australia, Omar continued his violent behaviours. He was physically, sexually and economically abusive towards Saba. He reportedly treated his wife "like a slave." She was not allowed to leave the house without her husband's permission. Omar was also physically violent towards their three children.

Saba had a limited use of English and did not have any family in Australia. Omar had a sister who lived close to their family home. This sister was violent, and would beat Saba on a regular basis.

Saba decided that Omar's violence was placing her children in danger, and she found a way to leave him. She and the children sought shelter in a refuge. A worker at the refuge, Dana, worked closely with her. Dana engaged the use of an interpreter to learn about Saba's story. Dana says that she spent a lot of time supporting Saba and developing a relationship of trust with her. Dana has worked with Saba and her family for several years now. She says that:

Trust has been so important. I've spent a lot of time listening to her and supporting her. She trusts me, but she also relies on me a lot. There is a dependency there. She doesn't have any other family here, so she sees me as a significant person in her life. However, it's been important for her to have a consistent person to support on her journey. Having one person is important for trust, and so she doesn't have to tell her story again and again.

Dana reports that Saba is an "amazing woman" who is very resilient. Saba has picked up many skills, including how to navigate the court system and how to apply for an intervention order.

Saba has now entered into what she terms a "love marriage" with a man from the Pakistani community. Although this marriage was her choice, Dana says there is a significant power imbalance between Saba and her husband. Dana says that it has been interesting watching Saba transition from a forced marriage, to being single and having freedom, to then giving up some of her freedom to be married to a man that

has rigid ideas about gender roles. Through this journey, Saba has found opportunities to exert her independence. She has recently enrolled in a childcare course. Dana says that Saba's example of independence has trickled down to her children. Her youngest child, Marina, is now 15-years-old. She wants to become a lawyer and is adamant that she does not want a boyfriend. Saba's mother has been putting pressure on Saba to marry Marina to a man from the Pakistani community. Saba's mother insists that she will pick a man for Marina to marry. Saba is trying to resist this pressure, while also staying on good terms with her family.

\*

### **Issues Raised by the Case Study**

- Forced marriage can affect children, particularly girls.
- Family pressure can be a reason why women stay in forced marriages.
- In some cases, victims of forced marriage can experience violence from members of their extended family.
- Forced marriage can have a profound impact on children within the marriage. It has been noted that victims of forced marriage "frequently end up trapped in a relationship marred by physical and sexual abuse" (HM Government 2009, p.12). Witnessing violence as a child is associated with depression, trauma-related symptoms and low self-esteem in adulthood (HM Government 2009).
- Forced marriage can be an intergenerational issue. A woman who was forced into marriage may go on to find that similar pressures are exerted on her daughter.
- Women who have experienced forced marriage can require intensive support to help them rebuild their lives. Trust is a key element in effectively working with victims of forced marriage.

## **Culture**

### *We need to change cultural norms*

Participants agreed that the law on forced marriage had to be accompanied by a 'cultural shift' in the community. They said that, currently, some aspects of Australian culture were supportive of various forms of violence against women, including forced marriage. The acceptance of 'mail order brides' was said to be an example of this:

Many clients I work with have been promised a 'better life' in Australia. They are 'coerced' into marriage on the basis of these false promises. Then they come out here and end up in servitude to a man.

Another person questioned why the phenomenon of mail order brides was accepted in Australia, and how could this be changed? They also questioned whether the new legislation would be of much use to women in this situation:

They may have made a 'choice' to get married, but it's under false pretences. Is this forced marriage?

People were unsure of the best way to translate the law into a shift in Australian cultural norms. One person suggested that we needed to move from victim blaming to perpetrator shaming. Another person emphasised that any attempt to shame the perpetrators of forced marriage had to come from the communities themselves. Another person suggested that art was a good mechanism for promoting cultural change and empowering individuals and communities in the process. They said that there would be great value in promoting creative ventures such as storytelling and theatre productions that touched on the issue of forced marriage.

### *Developing cultural competence is important*

The importance of developing cultural competence was also emphasised. As one person put it,

The issue of forced marriage is more complex than a gender-based-violence issue. In order to deal with it, we will require a slightly different set of skills.

Another person suggested that more research needed to be undertaken with culturally and linguistically diverse communities to determine what interventions would achieve the best results in this area.

### **Case Study: Married Under False Pretences**

Fatimah is a young Eritrean woman. When she was 14 years old, she entered into an arranged marriage in Eritrea. Her husband, Isaac, was an Australian citizen of Eritrean descent. Shortly after the marriage, Isaac returned to live in Australia. Fatimah was told that Isaac would send for her in a few months' time, and they would start their new life together in Australia.

Upon arriving in Australia, Fatimah learned that her husband was already in a de-facto relationship with a woman named Sue. Fatimah was expected to live together with Isaac and his partner. Fatimah was also expected to share a bed with them and perform whatever sexual acts they wanted her to perform. Fatimah later said that, if she had known the truth about Isaac, she never would have married him.

Fatimah had very limited English skills. She was socially isolated in Australia and at a loss as to what to do about her situation.

Isaac was a violent man. One night, after a particularly loud incident, the neighbours phoned the police. The police learned that Fatimah was married under the legal age in Australia. They removed her from the house and took her to a refuge.

A worker at the refuge tried to locate a suitable interpreter they could communicate with Fatimah. As the Eritrean community was small, there were few interpreters available. Eventually, the worker found an interpreter and brought them to the refuge.

The interpreter spoke to Fatimah at length, without translating the conversation into English. Fatimah started to show signs of distress. The worker investigated the situation, and found out that the interpreter was a friend of Fatimah's husband. The worker attempted to get an alternative interpreter, but it transpired that everyone in the Eritrean community knew Fatimah's husband.

The worker said that the need for an interpreter posed significant difficulties in this case. This is because Fatimah felt a great deal of shame about her situation and she was reluctant to speak about it in front of a person who came from the same community as her.

The worker at the refuge spent a great deal of time working with Fatimah and linking her in with appropriate support. She arranged for Fatimah to take English lessons. The refuge owned an apartment, which Fatimah was able to move into.

Fatimah and the worker developed a close working relationship, based on trust and respect. The worker said that was the key factor in being able to work effectively with Fatimah. However, she also said that, because Fatimah was isolated in Australia, she began to regard the worker almost as a family member. The worker said that this posed a challenge for maintaining boundaries in the worker / client relationships.

Fortunately, the worker was able to bring Fatimah's sister out from Eritrea to live in Australia. Fatimah's sister moved into the apartment, and the two of them commenced high school. Fatimah appreciated having family support, and the

opportunity to pursue an education. The worker said that Fatimah was “very bright” and would “do well for herself.”

\*

### **Issues Raised by the Case Study**

- Women may need an interpreter to help tell their story to the worker. However, workers should be aware that there can be difficulties with using an interpreter who is from the same community as the woman. In light of this, it is important for workers to be attuned to any signs of unprofessional behaviour on the interpreter’s part. If there is not a suitable interpreter available in the woman’s local community, the worker may be able to address this by arranging for an interpreter from another state to work with the woman over the telephone.
  
- The gender of the interpreter is a relevant consideration when working with women who have experienced forced marriage. Some women may be uncomfortable or unwilling to share their story with a male interpreter.
  
- Women who have left situations of forced marriage can be very isolated. Sometimes women can become dependent on the workers who assist them. In light of this, it is important for workers to strike the right balance between establishing a relationship of trust and maintaining their own personal boundaries.

## Education

### *Law can be a tool for education*

Many people indicated that the new law needed to be coupled with education about the topic of forced marriage:

The law can be used as a tool to change the paradigm and challenge the cultural acceptance of forced marriage. If people are aware it's an illegal practice, it changes their perception of the norm.

Criminal law is useful, but we need education. If we don't get that right, we drive the issue underground and make it harder for women to disclose.

### *Forced marriage needs to be addressed by an active education campaign*

People said that there should be a campaign to promote the community's knowledge of the new law. They said that this campaign could tie in with *The Girl Effect* in 2015.<sup>17</sup>

It was also suggested that an education campaign about forced marriage could not be passive. Rather, it needed to actively develop women's empowerment:

It's about re-envisioning what education means. It's all well and good knowing something, but unless you feel empowered to act, that knowledge does not mean much.

However, a couple of people questioned whether education was the answer here:

I am wondering whether education is really the path to follow: could this push the practice underground? I wonder if sometimes the best way of dealing with forced marriage is to not deal directly with the issue of forced marriage... We need to earn people's trust before we can talk about the sensitive issues.

This person suggested that it was important for women to come together in a variety of social and other situations, and to allow the topic of forced marriage to emerge in a situation of trust.

### *Education needs to target specific groups*

Overall, however, people agreed on the importance of developing education campaigns about forced marriage. It was suggested that these campaign needed to be targeted at:

- girls and young women (for example, through education around respectful relationships)
- men
- police
- health professionals – particularly General Practitioners
- cultural and religious leaders

---

<sup>17</sup> *The Girl Effect* is a campaign to promote the rights of girls around the world. It aims to ensure that girls stay in school and are not forced into marriage or other situations of violence (The Girl Effect undated).

- schools
- legal practitioners
- family violence services
- Department of Immigration and Citizenship
- the community.

In terms of the community, it was noted that:

We also need to educate community leaders. However, this needs to be approached with sensitivity. If you simply go to a religious centre and tell them 'this is what the law is,' it will not go down well. You need to work with community leaders who are aware and ready to make a change – they will carry the message to back to others in the community.

The importance of engaging men around the topic of forced marriage was also emphasised by people who noted that “men are just as involved” in this topic as women are. People acknowledged that, although most men were *not* perpetrators of forced marriage, all men had a responsibility to stand up against this form of violence against women. One person said:

More resources need to be aimed at men. It's about empowering both parties equally.

Education in schools was also identified to be a particularly important area, as schools can represent the first point of intervention in cases of forced marriage.

People also questioned what type of training the police are getting in terms of identifying forced marriage. The group acknowledged that police training is an essential component of enforcing the new law.

Someone also raised the point that forced marriage may also be a problem in Indigenous communities. If this is the case, then culturally appropriate interventions would be required to address this problem in Indigenous communities.

#### *Information materials*

People said that an active education campaign needs to be complemented with the distribution of information materials about forced marriage. This information needed to cover topics such as the law on forced marriage, people's rights and migration issues. The information needs to be produced in a range of community languages. It was also suggested that this information could be distributed on the radio, the internet and on television.



### **Case Study: The Power of Money**

Padmini is a 24 year old woman from India.

Six years ago, while living in India, she was told that she was going to marry an Indian man called Naveen who lived in Australia. The marriage was arranged for Padmini by her maternal uncle. Padmini came from a poor family, but her uncle was relatively well off. Her uncle offered to pay for her wedding to Naveen. He also told Padmini's parents that if they refused the marriage, he would not assist them financially with the weddings of their other five daughters. Padmini's family felt that they had no choice in the matter, so they agreed to the uncle's demands. They also thought that, if Padmini married an affluent family in Australia, she would be able to find suitable matches for her sisters and help them move to Australia. At no point was Padmini asked if she wanted to marry Naveen.

Padmini and Naveen were married in India. On the day of her marriage, Padmini met Naveen for the first time. She discovered that he was about 20 years older than her.

Shortly after the marriage Naveen returned to Australia, leaving Padmini in India. Padmini discovered she was pregnant with Naveen's child. When she announced the pregnancy, her mother-in-law instructed her to get a sex determination test. Her mother-in-law said that if the baby was a girl, she must abort her. Padmini refused to undertake the sex determination test. In the event, she gave birth to a boy.

Padmini was struggling to meet the costs of looking after her child. Naveen, who was living in Australia, refused to contribute to the costs of looking after the baby.

When her child was one year old, Padmini moved with her son to Australia. Upon moving to Australia, Padmini discovered that her husband was addicted to marijuana. His parents would provide him with drugs to 'keep him calm'. If they ever refused to buy him drugs, he would become violent.

Padmini's husband was physically, sexually and emotionally violent towards her. He would ignore her during the day and then rape her at night. He also economically abused her by keeping her Centrelink income for himself. Naveen made efforts to ensure that Padmini was extremely socially isolated. He removed her passport and told her that she was not allowed to leave the house without his permission. Padmini's husband also used to take drugs and watch pornography in front of their young son.

Padmini was very socially isolated in Australia and did not know who to turn to for help. When she tried talking to her parents, they made threats against her. Her in-laws also made threats against her life.

On one occasion, Padmini's mother and father in law spent the night at her house. Her father-in-law tried to rape her in the middle of the night. When Padmini shouted out for help, her mother-in-law intervened. Her mother-in-law told Padmini that if she reported the rape to anyone, her life would be in danger.

When Naveen became physically abusive towards her son, Padmini decided that she needed to get out of the relationship. She said that she could cope with Naveen's

violence against her, but not against her son. She has taken an intervention order out against her husband. Padmini has been linked in with a multicultural support agency. She said that having a worker who speaks her native language and understands her culture has put her at ease.

Padmini says that, even though she is now in a refuge, she is still living in fear. She says that, with 'the power of money' her in-laws 'could do anything to her and to her family in India.'

\*

### **Issues Raised by the Case Study**

- Women can enter a marriage under deceptive circumstances (for example, being unaware of the true age of their husband). Deceit can constitute a form of force under the forced marriage provisions in the Slavery Act.
- Women who are foreign citizens may be forced into marriage in their own country, and then move to Australia to live with their Australian husbands. These women are often in a very precarious position because they can be socially isolated and have limited English language skills.
- Forced marriage is a form of violence against women. It can also be associated with other forms of violence against women, including physical and sexual assault and economic abuse.
- Children of forced marriages may suffer abuse. In these circumstances, Child Protection may have a role to play in addressing the safety needs of the child.
- Women who are in situations of forced marriage can face enormous barriers to getting safe. Leaving a forced marriage can put the women's safety at risk. It can also put the safety of their families at risk.
- Some women who present at refuges may have experienced forced marriage.
- Some victims of forced marriage may be overseas citizens. Their visa status may have implications for what services they are able to access in Australia.

## Empowerment

*Women need to be empowered to exercise their rights*

It was emphasised that, in order for the legislation to work, women themselves need to be empowered. On this point, people questioned how to create an environment conducive to self-determination when, for some women, this is not a culturally recognised option? One person said:

When a girl marries, she marries the whole family. It's not uncommon for her to be treated like a slave. She has no rights.

People felt that, empowering women needed to involve getting them to be active participants in the life of the community. Paid employment was viewed as an important part of this.

However, one person warned that:

We have to be careful about the idea of empowerment. Yes, it's important for women to be empowered, but we also need to recognise that forced marriage isn't their fault and we can't get into victim blaming. As it is, women feel great shame when they realise that they're in a situation of forced marriage.

In this sense, people recognised that the path to empowerment is far from simple, particularly when women are faced with barriers such as:

- entrenched stereotypes around gender
- women having a lower status than men in some societies
- family pressures to conform to gender roles and expectations around marriage
- shame at not being able to conform to community and family expectations.

In light of these barriers, the participants asked: "How do we help women internalise the concept of empowerment?" and "How do we best promote empowerment in a forced marriage context?" They acknowledged that:

The whole idea of empowerment and self-determination should not be taken for granted: it is a huge step for women that are faced with forced marriage. We should bear this in mind when we think about what needs to be done in the community.

The discussion also touched on the difficulty empowering whole communities so that they are able to recognise and challenge violence and violence-supportive attitudes and practices. It was acknowledged that this was particularly difficult with groups of recent migrants, who may belong to communities that are fractured, or that are experiencing economic and social exclusion.

### **Case Study: Married Off for Money**

Taja is a young woman who has an intellectual disability. Taja went to a mainstream school in Australia, where she had a boyfriend of her own age.

When Taja was 17 years old, her parents took her overseas on a holiday with her brother. Shortly after they arrived, Taja's father told her that she was getting married. Taja was distressed and told her father she did not want to get married. Her father told her that she did not have a choice in the matter. Shortly afterwards, Taja was married to an older man. Taja's father was paid \$50,000 for the marriage. The marriage was not consummated.

While she was overseas, Taja was in contact with her school welfare officer. Taja disclosed to the welfare officer that her father was forcing her to get married. The school welfare officer contacted their local police station in Australia, and the matter was referred to the Australian Federal Police.

Taja's parents remained overseas and her brother escorted her home. When they arrived at the airport they were intercepted by the Australian Federal Police. The police recognised that Taja would be at risk if she returned to her family home, and they helped her move interstate.

When Taja's family returned to Australia, they were very angry at her school. They continually harassed the school welfare officer who had referred the matter to the police.

Taja's boyfriend moved interstate so they could be together. Their relationship was put under a great deal of strain because both their families were trying to track them down and had issued threats against them.

Taja was linked in with a case worker, who spent time explaining her rights to her. Taja's case worker reported that Taja's intellectual disability posed some challenges in terms of getting her to understand her rights.

\*

### **Issues Raised by the Case Study**

- Forced marriage is predominantly caused by gender inequality. Money can play a contributory role in some cases of forced marriage.
- Australian girls and young women may be taken overseas to enter into a forced marriage.
- Women with intellectual disabilities can be at risk of experiencing forced marriage.
- School welfare officers can be in a position to identify forced marriage.
- Workers who intervene in cases of forced marriage may face repercussions from the victims' families (for example, harassment). These workers should be provided with support to enable them to work safely and effectively with women.

## Young people

### *Prevention involves engaging with young people*

Participants said that the first step in preventing forced marriage was engaging with young people around this problem:

Young women need to know what a respectful relationship is, and how to identify if they're in one. They also need to know that they have rights, and that forced marriage is illegal. They need to know that, when it comes to marriage, it's *their* consent, not their parents' consent.

According to the participants, we need to find creative methods of educating and engaging with young people around the topic of forced marriage. Peer-to-peer education was cited as an example of this:

Peer influence is a big thing for young people. We could tap into this by training up young people to support and educate their peers about forced marriage.

Participants said that any efforts to engage with young people needed to be done in a culturally sensitive and non-threatening manner.

### *Young people under 18 years of age*

The group acknowledged the fact that minors could be victims of forced marriage. On this point, one person said that organisations might need to do some digging around to find out the true facts of the person's case. They said that, in their organisation, they often encounter married women who have documents purporting that they are over 18 years of age when, in fact, they are not.

People were unsure of the best service response to victims of forced marriage who were minors. They said that, although Child Protection staff members are specifically trained to work with minors, they cannot support the forced marriage client group due to resource and other constraints. They said that these constraints needed to be addressed.

### *Schools*

There was a discussion about the importance of working with schools on the early identification of, and intervention in, forced marriage. It was suggested working with schools could be as simple as training school welfare officers to identify forced marriage and link people in with appropriate referrals, and training teachers and other staff to ask questions when girls are taken out of school to go on holidays. One person, who worked in a young people's service, said that:

We often get referrals from schools: the welfare coordinators pick up on the forced marriage. Often, the girls' grades have dropped and they are teary and distressed. Then the girls come out about the forced marriage. In some cases, girls have been told that they're going on holidays to another country. When they get there, they're told they're getting married in a week.

### *TAFE Colleges*

TAFE Colleges were said to have a role to play in identifying and intervening in forced marriage. The participants said that TAFE Colleges provided a structured space where young people can meet and talk through issues such as forced marriage. However, people acknowledged that TAFE Colleges do not offer as much support as secondary schools. This needs to be rectified. TAFE Colleges require more funding to provide this additional support to students.

### **Case Study: Untouchable**

Gita is an educated Australian woman who has an Indian background. She belongs to a Brahmin family (and is thus from an upper caste family).

When Gita was 25 years of age, her parents arranged for her to marry a man who they deemed was from a 'suitable family.' The man was Australian with Indian background, and also belonged to a Brahmin family.

However, Gita was in love with a colleague of hers. She told her parents that this man was educated and had a good job – she said she wanted to marry him. Although the man was also Australian with an Indian background, his family belonged to a lower caste than Gita's (the 'Shudra' cast, or, 'untouchable').

Gita's revelation "threw her parents into a frenzy." Her father threatened to commit suicide, and her mother said she would disown Gita if she married a Shudra. Her parents insisted that Gita should marry the man of their choice. Although she was very unhappy about this, Gita married the man from a Brahmin background in order to appease her parents (Verma 2013).

\*

### **Issues Raised by the Case Study**

- A woman entering into a relationship with a partner who her family deems to be unsuitable can be at risk of experiencing forced marriage.
- Family pressure can constitute a form of 'coercion' under the forced marriage provisions in the Slavery Act.

## Services and support

### *Women can be hard to reach*

Many people spoke about the difficulties in getting access to women who had experienced forced marriage, or who were at risk of experiencing forced marriage. They said that these tended to be extremely isolated groups of women. Language barriers could heighten the difficulty of reaching this group of women.

### *Interpreters*

Sometimes, women in situations of forced marriage require access to an interpreter in order to share their story and gain access to services. Participants said that working with interpreters could be complex. For example, sometimes the use of an interpreter was problematic if the interpreter came from the same community as the victim of forced marriage. People also said they had experienced interpreters adding their own views to the victim's account of forced marriage.

### *Identification of forced marriage*

For services, a key part of the challenge in assisting victims of forced marriage lies in the problem of identification.

Forced marriage is a very hidden problem. Like marital rape, it takes a lot of digging around to uncover that a crime has occurred.

Many of the participants said that they did not have enough knowledge about forced marriage to feel confident in identifying this problem. They also pointed out that many women themselves would not have identified that they are in a forced marriage. One person questioned whether identifying forced marriage “was a priority” when a woman presented at a family violence agency, given that “at that point, she is usually at high risk from the violence.” This participant suggested that attending to the crisis at hand was probably more important than dealing with the fact of the forced marriage. In response to this, another person said that, in order to deal with the crisis, it was important to have a holistic understanding of the woman's situation – including the forced marriage.

Several of the participants said that the *Right to Refuse* forum had increased their awareness of forced marriage. This new awareness raised some difficult questions for some of the participants; for example, one person said:

I wonder now, how many situations of violence have a forced marriage context and we just didn't realise at the time?

The participants also emphasised that forced marriage is a very personal topic, and one that many women do not feel comfortable talking about:

Clients will be reluctant to admit the marriage was without their consent. One of the questions to ask is if they had a choice in getting married. But many people will say yes when, in fact, they had no choice.

It was felt that earning the trust of the client was an essential part of identifying, and assisting with, the forced marriage. As one person put it:



It is up to the service to provide the opportunity for the person to open up and disclose. The person is taking a huge risk by disclosing, and we have to be there to help them.

### *Linking forced marriage with family violence*

Participants believed that better links could be developed between forced marriage and the broader area of violence against women. For example, people suggested that some of the learnings from the family violence sector could be applied to the area of forced marriage. It was also suggested that initiatives to prevent forced marriage should be included within broader initiatives aimed at the primary prevention of violence against women.

### *There are not enough supports in the community*

People agreed that there was a paucity of services in the community that could assist women experiencing forced marriage. They emphasised the need to offer a meaningful response to women experiencing forced marriage. As one person put it “Having a woman disclose without good support puts her in a worse position.” Some people said that, even with access to services, women could still be left in a difficult position:

We can tell women that we’re here to support you, but we don’t want to offer false hope. Our support won’t replace the support of their family.

They said that, often, the current support options are not appropriate for the needs of women who had experienced forced marriage:

No service currently meets the unique set of needs presented by forced marriage. We need to have more knowledge about this problem and more options for referral.

It was suggested that it would be useful to have a safe, culturally appropriate refuge targeted at the needs of women who had been victims of forced marriage.

Often, women do not access services until they are at a point of crisis and loss. One person said:

By that time, she’s lost all social standing and connections, even her relationship with her family, and her financial situation is affected too.

The fact that women were in crisis, heightened the need for services to offer them effective interventions and support.

### *Gaps in service provision*

The group identified several gaps in service provision in the area of forced marriage. In particular, they said there was a lack of:

- targeted services to assist women experiencing forced marriage
- programs and services aimed at preventing forced marriage
- services available to women who are in Australia on spousal visas, who have no permanent residency status
- long-term services and support. As one person put it:

Even if you help in one instance, when they go back to the family, the pressures won't just vanish. So you need to have continued protective measures in place.

People emphasised that the community sector was facing significant resource constraints, and that this presented an obstacle in meeting the needs of the forced marriage client group. One person said that resource constraints were not just a Victorian problem:

We look up to the UK as the ideal, but they have big holes in their service systems to support victims of forced marriage. There are holes in terms of coordination, collaboration and funding.

It was also felt that, although the community sector requires more funding, it could utilise the resources that are available by working collaboratively.

*Need for a coordinated, cross-sectoral response*

Forced marriage is a multifaceted issue and, as such, it requires a coordinated, cross-sectoral response. People said that forced marriage reaches into many different service areas, including:

- trafficking
- family violence
- young people
- child protection
- housing
- health
- legal
- migration.

It was suggested that the service sector needs to start “interlinking and sharing knowledge and experiences” in the area of forced marriage.

### **Good Practice Example: Guidelines on Forced Child Marriage**

The National Children's and Youth Law Centre has produced guidelines on forced marriage, called *End Forced Child Marriage: Best Practice Response Guidelines, Australia*.

The guidelines are targeted at workers who have encountered potential or actual cases of forced marriage involving children or young people under 18 years of age. The guidelines set out clear steps that workers should – and should not – take in all cases. Some of the steps that workers should take include:

- seeing the child or young person immediately in a safe and private place
- reassuring them about confidentiality
- performing a risk assessment
- developing a safety plan
- reporting the situation to child protection authorities (Jelenic and Keeley 2013).

As discussed, these guidelines are targeted at the needs of children. While they may also provide some assistance to workers who are supporting women over the age of 18, there will inevitably be points of difference for adult victims of forced marriage. In light of this, it would be useful for guidelines to be produced in Australia that address the needs of adult victims of forced marriage. Guidelines should also be produced which address the needs of forced marriage victims who have cognitive impairments (for examples of United Kingdom guidelines on these topics, refer to HM Government 2009; HM Government 2010).

## **Key Messages**

After hearing the presentations at the forum, the participants were asked to devise some key messages about the topic of forced marriage. Their key messages from the participants were:

- women do not have to get married
- if women want to get married, they can – and should – choose who they marry
- forced marriage is illegal
- forced marriage is a human rights issue
- forced marriage needs to become a priority in violence prevention work in schools and communities
- more data is needed on the forced marriage client group in Australia
- working with young people is a priority. Young people's organisations need to be engaged around this issue.

### **Case Study: Imagining a Different Future for Herself**

Camila is a young woman who is 18 years of age. She is Australian with an Afghani background.

An older woman from the Afghani community, Pari, started a drama group. She invited Camila to take part in a play. Over the course of the rehearsals for the play, a friendship developed between the women. Pari would often give Camila advice about her future. Pari would sometimes come over Camila's house to have dinner with Camila and her mother. On one occasion at dinner, Pari revealed that she had been through tough times, and that she did not voluntarily enter into her marriage. Pari's own story of forced marriage helped convince Camila's mother that women should have a choice in who they marry.

Camila said that having Pari around to dinner with her and her mother has 'helped her imagine a different future for herself.' With Pari's encouragement, Camila will go on to pursue higher education. Her mother is supportive of this aim.

\*

#### **Issues Raised by the Case Study**

- Women can be leaders in bringing about progressive social change in their own communities. This change can come about when different generations meet and talk about issues that affect their lives, including marriage.

## **Next Steps**

The group was asked to reflect on what next steps were needed to tackle the problem of forced marriage. Their suggestions are outlined below.

### *Education*

According to many people, the first thing that is needed is a broad community education campaign:

People in the community need to know what forced marriage is. At the moment, they don't.

The group said that an education campaign needed to focus on producing clear and consistent messages about forced marriage. It also needed to cover key facts, such as what consent is, whose consent is important when it comes to marriage, and what that means in practice.

Participants also emphasised the importance of undertaking education in schools about healthy relationships.

### *Professional information and training*

Many people who attended the forum expressed the desire to take part in practical training sessions about forced marriage. They said that the training should cover topics such as:

- how to identify forced marriage
- how to respond to forced marriage
- the key facts about forced marriage (including how many people are affected by forced marriage, and how it impacts on them)<sup>18</sup>
- the law on forced marriage.

### *Screening for forced marriage*

It was suggested that services that work with women who experience domestic violence, or who are at risk of experiencing domestic violence, should routinely screen women for forced marriage. For example, forced marriage could be added to the 'Common Risk Assessment Framework' that is used to assess the risks for women who have experienced family violence.

### *Forced marriage hotline*

People said it would be useful if Australia could set up a forced marriage hotline, similar to the one operating in the United Kingdom (via their Forced Marriage Unit).

---

<sup>18</sup> It should be said that the prevalence of forced marriage in Australia is not information that is easily provided. Anecdotally, we know that forced marriage is a problem in Australia, but the extent of the problem is unclear. Research is needed to ascertain the extent of this problem in Australia.

### *Clear referral points*

People said that, presently, they were unsure where to refer clients who had experienced forced marriage. They said that it was necessary to develop clear referral points for victims of forced marriage. Part of this involved developing relationships between the relevant agencies. However, they also pointed out that it was necessary to develop specialised services to meet the needs of the forced marriage client group.

### *Long-term programs*

People believed that the problem of forced marriage required a sustained, long-term response from the service sector. They raised concerns that:

Everything that's currently being done seems to be a small pilot. Great programs get up and running and then they just end.

### *Sector-wide response*

Many people who attended the forum regarded it as a useful first step to developing a sector-wide response to the issue of forced marriage. They suggested that it would be useful to have a follow-up session that was aimed at developing a long-term, sustainable and strategic cross-sectoral response to forced marriage. Participants said that such an initiative could set a "best practice standard" within the community sector.

People also felt that, in light of the complexities surrounding forced marriage, it was important for the sector to develop a common message about this topic (much like DV Vic has been involved in developing common messages around the topic of domestic violence) (Macdonald 2013).

### *Forced marriage coalition*

Some participants suggested that it would be of value to form a coalition around the topic of forced marriage. The coalition could be used as a forum for information sharing and conducting systemic advocacy. It could also be used to identify and pursue opportunities for joint research initiatives.

### *Forced marriage ambassador*

It would be useful for the community sector to find an ambassador to speak on the topic of forced marriage. Ideally, this person should be someone who has been through forced marriage, and can help show people the way out. The community sector should support this individual in developing the skills to talk about forced marriage and respond to the media on this topic.

### *Funding*

Participants said that more funding was needed for programs and services that were aimed at preventing and responding to forced marriage. They said that more funding was needed to expand the capacity of existing services (particularly housing services) and to develop specialised responses to forced marriage. People recognised that it would be necessary to lobby government to invest more money in addressing forced marriage.

### *Prevention*

People emphasised that the key to addressing forced marriage was prevention. They said that, in terms of prevention, it would be useful to incorporate information about forced marriage into school programs about respectful relationships.

### *Steps people can take now*

People said that there were some practical steps that they could take right now when working with women in their services. They said it was important to be mindful of forced marriage, and to help women disclose this problem by asking them respectful questions and being curious about their lives. They also said that was important to help empower women:

Women are good guides of their future. Take steps to give them the power to make a choice.



### **Good Practice Example: Forced Marriage Unit, United Kingdom**

The Forced Marriage Unit was established in 2005 in the United Kingdom to lead the government's forced marriage policy, outreach and casework. The unit operates both inside the United Kingdom, where support is provided to any individual, and outside of the United Kingdom, where consular assistance is provided to British nationals.

The unit operates a public helpline to provide advice and support to victims of forced marriage as well as to professionals dealing with cases. The assistance provided ranges from simple safety advice, through to aiding a victim to prevent their unwanted spouse moving to the United Kingdom, and, in extreme circumstances, to rescue victims held against their will overseas.

The unit undertakes an extensive outreach and training program of around 100 events a year, targeting both professionals and potential victims. It also carries out media campaigns to raise the public's awareness of forced marriage.

Other useful resources produced by the unit include comprehensive guidelines for professionals about how to respond to forced marriage, and statistics on the forced marriage cases dealt with by the unit (Forced Marriage Unit 2014).

The unit has reported that, in 2013, it gave advice or support to 1,302 potential or actual cases of forced marriage (Forced Marriage Unit undated).

## **Conclusion**

In Australia, we are just starting to uncover the nature and extent of forced marriage in our community. While we do not know how many women and girls are affected by this problem, anecdotal evidence suggests that a significant number are. We also know that forced marriage can have devastating consequences for women and girls, including violence and mental health problems, as well as diminished opportunities to learn, work and contribute to their community.

We are fortunate, now, to have legislation that specifically outlaws forced marriage in Australia. This change in the law, while ground-breaking, is not enough in itself to end forced marriage. It is therefore crucial that the legislation represents, not an endpoint, but the beginning of our efforts to tackle forced marriage.

As this report has highlighted, there are a range of concrete interventions that can be undertaken by the legal, community and health sectors, government, and the broader community, to tackle forced marriage. While all of these interventions are important, we believe that education is the key to bringing about long-term change. Education is needed for women and men to challenge and transform the systems and beliefs that perpetuate women's inequality and result in injustices such as forced marriage. Education is needed to ensure that every woman in Australia has the right to choose who – and whether – she will marry.

## Appendices

### Appendix A: Organisations Represented at *The Right to Refuse* Forum

1. Annie North
2. Australian Red Cross
3. Centre for Multicultural Youth
4. Commission for Children and Young people
5. Department of Justice
6. Diversitat
7. Domestic Violence Victoria
8. Ethnic Communities Council of Victoria
9. Federation of Community Legal Centres
10. Good Shepherd Australia New Zealand
11. Good Shepherd Youth & Family Service
12. InTouch Multicultural Centre Against Family Violence
13. La Trobe University
14. Lentara UnitingCare
15. Monash University
16. Muslim Women's Centre
17. Safe Future Foundation
18. Shakti Migrant & Refugee Women's Support Group, Melbourne Inc.
19. South Eastern Centre Against Sexual Assault
20. The Royal Women's Hospital
21. University of Melbourne
22. University of Technology, Sydney
23. VicHealth
24. VICSEG New Futures
25. Victorian Equal Opportunity and Human Rights Commission
26. Victorian Immigrant and Refugee Women's Coalition
27. WAYYS
28. Women's Health Victoria
29. Women's Health West

## Appendix B: Forum Feedback

Participants in *The Right to Refuse* forum were asked to fill out an online survey to evaluate the effectiveness of the forum. Nearly half of the participants (25 out of 56) filled out this survey. Their responses are detailed below.

One: At this forum I received information relevant to my needs

The majority of people (n=18) agreed that the forum provided information that was relevant to their needs. Four people strongly agreed with this proposition, and three people were unsure whether the information was relevant to their needs. One of the people in the 'unsure' category commented that: "I don't currently work in this area. However, the forum was highly informative."

Two: The presenters delivered high quality presentations

Nearly everyone agreed (n=16) or strongly agreed (n=8) that the presenters delivered high quality presentations. One person was unsure whether the presentations were of a high quality (this person noted in their response that they only attended the end of the forum and therefore could not vouch for the quality of the presentations).

Three: The forum was well organised

All people agreed (n=13) or strongly agreed (n=12) that the forum was well organised. One person commented that "a great diversity of services" were represented at the forum. Another person said:

Great use of time, good balance of speakers, the panel and table time worked well and the food was fab.

Four: I made useful links with people at the forum

The majority of people agreed (n=15) or strongly agreed (n=5) that the forum was a good networking opportunity. However, four people were unsure about this, and one person said that they did not make useful links at the forum. As one person pointed out, networking needed to be more than short term:

Forums like this are always good opportunities to network but the test comes on what to do afterwards once the forums are over.

Five: The information presented at the forum was easy to understand

The consensus was that the information at the forum was pitched at the right level. Sixteen people agreed that the information was easy to understand, and nine people strongly agreed with this proposition.

Six: What were the most useful aspects of the forum?

Participants were asked to give feedback on what they found to be the most useful aspects of the forum. In their responses, most people said that the high quality presentations were the highlight of the forum:

The broad range of presentations provided comprehensive information about forced marriage, including community perceptions around marriage.

The presentations at the forum came from a variety of perspectives, from the academic/legal perspectives, to the grassroots level.

The highlight of the forum was the diversity of the presenters and the topics they covered. The information provided was easy to understand. It was good to become aware of what the community organisations are doing about this issue at a grassroots level.

Some people noted that it was particularly useful to get information about the new law on forced marriage:

The discussion of the legislation was important.

It was good to get an understanding the implications of the new law.

Many people appreciated the opportunity to come together and discuss the topic of forced marriage:

I thought it was a wonderful initiative to bring all the Melbourne groups together.

The best thing was bringing everyone together, networking, and finding out about the work of other services around the forced marriage issue.

The forum gave me a sense of the complexity of the issue. I also gained an understanding what others are already doing in the area of forced marriage. The forum provides a good basis to move forward in a coordinated way, which doesn't appear to have been done prior.

Linking with relevant contacts/services working in this space. Opportunity to explore and discuss the implications of the criminalisation of forced marriage.

The small group activities was also a highlight for some people:

The group discussions helped to unpack the topics covered and to hear opinions and perspectives from other workers and professionals was also interesting.

Seven: What could have been improved about the forum?

Participants were asked to give feedback on how the forum could have been improved. In response to this, some people commented that it would have been good to have more time for small group discussions, for networking, and for asking questions of the speakers at the forum. One person also said that:

During the conclusion of the forum it would have been useful to share some of the ways forward and ideas discussed by the small groups. While I know that time constraints impacted on this, it would be useful to have some of this information provided to participants prior to the report.

One person felt that the forum would have benefitted from more representation from young people's and children's services. Another person said that it would have been useful to engage more

Ethno-specific organisations who might not necessarily provide a specialist response, but who have an inside knowledge as to how the issue is perceived by the community.

A couple of people said that they would have liked the forum to have a more practical focus:

Maybe we could have had more discussion about what organisations are doing or planning to do about this issue and how we can work collaboratively.

It would be good to have a more practical understanding for mainstream services on dealing with the issue when engaging women.

This feedback indicates that it could be useful to develop further education and networking opportunities around the topic of forced marriage.

Question eight: Did you take away any information from the forum that you can use in your work?

All of the survey respondents (n=25) confirmed that the forum provided them with information that they could use in their work.

Question nine: What next steps do you think are required to address the issue of forced marriage?

The survey participants were asked to outline their ideas about what next steps were needed to address forced marriage. For many of them, the key to addressing forced marriage was collaboration:

We need more meetings, both in regards to networking opportunities, but also for sharing reflections and views on practice around working with people who have experienced and/or who are at risk of forced marriage.

It would be good to have ongoing collaboration with the sector so we can agree on way to address the issue and share information and knowledge.

In particular, people said that it would be useful to have a network of organisations that could work together on the problem of forced marriage:

We need to develop a network on forced marriage, so we can look at some more practical ways to implement the theory surrounding our knowledge of forced marriage. I think we are at the point of knowing the problem, now it's time to work on our responses at a range of levels including service delivery, advocacy, preventative measures and so on.

A couple of people said that they wanted more information about the services that are working in the area of forced marriage. One person suggested that the course of action could be to:

1. Map out current responses
2. Understand underlying theories driving these responses
3. Identify the gaps
4. Provide a coordinated response (e.g. a working group or consortium)
5. Perhaps develop stronger links between academics and practitioners, for increased understanding of the issue in Australia.

Community education and engagement were identified as key steps in responding to the problem of forced marriage:

We need to engage the community. We also need to empower the community leaders so that they can educate the community.

More community consultation is needed in order to find out what the needs and gaps are and to find out what kind of projects should be developed.

A couple of people also said that they would like to receive more information on the topic of forced marriage:

It would be great to hear about overseas services, in particular the UK, as they have done a lot in this area.

It would be useful to have an information sheet on forced marriage.

Not surprisingly, people identified that more resources were needed to effectively respond to the problem of forced marriage:

There is a need for more funding from government for prevention and protection work in this space.

## References

Almarhoun, Safa 'Forced Marriage: Beyond Criminalisation', launch speech for 'The Choice is Yours' campaign, 3 September 2013.

Anti-Slavery Australia 2013 'Forced Marriage Fact Sheet' available at [http://www.antislavery.org.au/images/stories/5\\_-\\_What\\_is\\_Forced\\_Marriage.pdf](http://www.antislavery.org.au/images/stories/5_-_What_is_Forced_Marriage.pdf).

Australian Government 2013 'Travel Bulletin: Forced Marriage' available at [http://www.smartraveller.gov.au/zw-cgi/view/TravelBulletins/Forced\\_marriage](http://www.smartraveller.gov.au/zw-cgi/view/TravelBulletins/Forced_marriage).

Australian Government, Attorney-General's Department 2010 *Discussion Paper: Forced and Service Marriage*.

Black, Lisa 'Arranged – Not Forced – Marriages a Good Match in Many Cultures,' *Chicago Tribune* 27 July 2011.

Burn, Jennifer 'Putting an End to Forced Marriage in Australia' *The Conversation* 19 October 2013 available at <http://theconversation.com/putting-an-end-to-forced-marriage-in-australia-17827>.

Burn, Jennifer; Simmons, Frances; Hollands, Jemma; Power, Kate; Stewart, Pam and Watson, Nicola 2012 *Hidden Exploitation: Women in Forced Labour, Marriage and Migration*: Good Shepherd Australia New Zealand and Anti-Slavery Australia: Abbotsford.

Carter, Barbara 2009 *Supported Decision-Making: Background and Discussion Paper*, Office of the Public Advocate: Melbourne.

Coultan, Mark 'Forced Underage Marriage 'Common'' 8 February 2014, *The Australian*.

El Matrah, Joumanah 'Forced Marriage: Muslim Women Treated Like Entertainment Fodder' *Crikey* 5 April 2012.

Evans, Carolyn 2013 'Sorting Myth from Reality: Forced Marriage in Australia' *Good Policy*, Summer edition, Good Shepherd Youth & Family Service: Melbourne.

Family Law Group 2012 'Forced Marriage: Civil vs Criminal?' Family Law Group website available at <http://www.nottinghamfamilylaw.com/news-article/Forced-Marriages-Civil-v-Criminal>.

Flood, Michael 2013 'Violence against Women: Facts and Figures' White Ribbon fact sheet available at [http://www.whiteribbon.org.au/uploads/media/updated\\_factsheets\\_Nov\\_13/Factsheet\\_5\\_Facts\\_and\\_figures.pdf](http://www.whiteribbon.org.au/uploads/media/updated_factsheets_Nov_13/Factsheet_5_Facts_and_figures.pdf).

Forced Marriage Unit 2014 'Forced Marriage Unit', available from the Forced Marriage website, Foreign & Commonwealth Office and Home Office available at <https://www.gov.uk/forced-marriage#forced-marriage-unit>.

Forced Marriage Unit undated 'Statistics January to December 2013', available from the Forced Marriage website, Foreign & Commonwealth Office and Home Office available at <https://www.gov.uk/forced-marriage#forced-marriage-unit>.



Gangoli, Geetanjali; Razak, Amina; McCarry, Melanie 2006 *Forced Marriage and Domestic Violence among South Asian Communities in North East England*, University of Bristol: United Kingdom.

Giacomazzo, Virginia 2013 *Forced/Servile Marriage in Australia: What More Should be Done?* Background paper for the United Nations Association of Australia, Status of Women Network National Roundtable.

Gill, Aisha K. 2012 'Response to Criminalisation: The Pros and Cons of Criminalisation of Forced Marriage,' *Australian Domestic & Family Violence Clearinghouse Newsletter 49*, Australian Domestic & Family Violence Clearinghouse: New South Wales.

Good Shepherd Australia New Zealand 2011 *Response of Good Shepherd Australia New Zealand to Discussion Paper – Forced and Servile Marriage Submission Paper*, Good Shepherd Australia New Zealand: Abbotsford.

Good Shepherd Australia New Zealand 2012 *Good Shepherd Australia New Zealand, Exposure Draft, Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012*, Good Shepherd Australia New Zealand: Abbotsford.

Good Shepherd Australia New Zealand and Anti-Slavery Australia 2012 *Hidden Exploitation: Women in Forced Labour, Marriage and Migration*, Good Shepherd Australia New Zealand: Abbotsford.

Green, Ashleigh 'Faiths Fight Forced Marriage' 26 March 2014 Eureka Street website available at <http://www.eurekastreet.com.au/article.aspx?aeid=39128#.Uzlh9U2KDct>.

Hill, Amelia and McVeigh, Karen 'Gay Men Become Victims of Forced Marriages' 2 July 2010 *The Guardian*: United Kingdom.

HM Government 2009 *Multiagency Practice Guidelines: Handling Cases of Forced Marriage*, Forced Marriage Unit: London.

HM Government 2010 *Forced Marriage and Learning Disabilities: Multiagency Practice Guidelines*, Foreign and Commonwealth Office: London.

Jelenic, Tina and Keeley, Matthew 2013 *End Forced Child Marriage: Best Practice Response Guidelines, Australia*, National Children's and Youth Law Centre: Sydney.

Kneebone, Susan 2013 'Protecting Trafficked Persons from Refoulement: Re-examining the Nexus' in Juss, Satvinder Singh and Harvey, Colin (eds) *Contemporary Issues in Refugee Law*, Edward Elgar Publishing, Inc: Massachusetts.

Lo, Belinda undated *Submission to the Federal Attorney-General's Discussion Paper Criminal Division: Forced and Service Marriage*, Asylum Seeker Resource Centre, InTouch Multicultural Centre Against Family Violence, Fitzroy Legal Service and Project Respect: Melbourne.

Lyneham, Samantha 2013 *Forced and Servile Marriage in the Context of Human Trafficking: Research in Practice No.32*, Australian Institute of Criminology: Canberra.

Macdonald, Alison 'Developing Consistent Messages about Violence against Women' *Good Policy*, Summer edition, Good Shepherd Youth & Family Service: Melbourne.

Murphy, Padraic 'Shame of Our Child Brides: Court Hears How Woman Was Raped and Beaten as It's Revealed Hundreds are Forced Into Arranged and Unregistered Marriages Across NSW' 12 February 2014 *The Telegraph News*.

Muslimah Compass undated 'Forced Marriage: A Tragedy in Muslim Communities', available at [http://www.muslimahcompass.org/index.php?option=com\\_content&view=article&id=427&Itemid=7](http://www.muslimahcompass.org/index.php?option=com_content&view=article&id=427&Itemid=7).

Philipps, Anne and Dustin, Moira 2004 *UK Initiatives on Forced Marriage: Regulation, Dialogue and Exit: LSE Research Online*, London School of Economics: London.

Plan UK undated 'Early and Forced Marriage - Facts, Figures and What You Can Do', Plan Website, available at <http://www.plan-uk.org/early-and-forced-marriage/>.

Quek, Kaye 2012 'A Civil Rather than Criminal Offence? Forced Marriage, Harm and the Politics of Multiculturalism in the UK,' 15 *The British Journal of Politics and International Relations* 626-646.

Rauf, Bushra; Saleem, Nadia; Clawson, Rachael; Sanghera, Mandy and Marston, Geoff 2013 'Forced Marriage: Implications for Mental Health and Intellectual Disability Services, *Advances in Psychiatric Treatment*.

Rosemount Good Shepherd Youth & Family Services, 'Update on Forced and Servile Marriage in Australia', Rosemount Good Shepherd Youth & Family Services website 7 January 2014, available at <http://us6.campaign-archive1.com/?u=21f3b7bfd2ab513b59ff3b573&id=7978deb04e&e=ae3245dd07> .

Simmons, Frances and Burn, Jennifer 2013 'Without Consent: Forced Marriage in Australia' 36 *Melbourne University Law Review* 970-1008.

Smith, Deborah J. 2009 *Decisions, Desire and Diversity: Marriage Practices in Afghanistan*, Afghanistan Research and Evaluation Unit: Kabul.

The Girl Effect undated *The Girl Effect* available at <http://www.girleffect.org/>.

Verma, Reeta 'Looking at the Law from a Community Perspective: What Does 'Forced' Mean?' presentation at *The Right to Refuse Forum* on 3 September 2013, Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good Shepherd Australia New Zealand available at [https://www.goodshepvic.org.au/Assets/Files/Reeta\\_Verma.pdf](https://www.goodshepvic.org.au/Assets/Files/Reeta_Verma.pdf).

Women Living Under Muslim Laws 2013 *Child, Early and Forced Marriage: A Multi-Country Study*, Women Living Under Muslim Laws: London.

Zannettino, Lana 'Refugees, Sexual and Domestic Violence and Prior Experiences of Trauma: Introduction and Context' in Australian Domestic & Family Violence Clearinghouse 2013 *Improving Responses to Refugees with Backgrounds of Multiple Trauma: Pointers for Practitioners in Domestic and Family Violence, Sexual Assault*

*and Settlement Services*, Australian Domestic & Family Violence Clearinghouse:  
Sydney.