

## Overview of 'Forced Marriage in Australia' Webinar by Anti-Slavery Australia | My Blue Sky 9 February 2022

### What is a 'marriage'?

Marriage means the union of 2 people to the exclusion of all others, **voluntarily** entered into for life. The marriageable age in Australia is 18.

### What is 'forced marriage'?

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

Forced marriage is different to arranged marriage, which takes place when two parties are introduced to each other but they can choose whether they want to enter the marriage i.e. they can say yes or no. Arranged marriages can be consensual.

If the person goes through with an arranged marriage because they are not able to say no, for example due to immense pressure or threats, then we would consider that to be a forced marriage.

Forced marriage is also different to sham marriages, where there may be some kind of arrangement that involves an exchange of money, but both parties have still consented to that arrangement.

### Laws in Australia

Under the *Criminal Code Act 1995* (Cth), it is an offence to:

- cause a person to enter into a forced marriage, or
- be a party to a forced marriage i.e. agreeing to marry a person who you know or suspect is a victim of forced marriage, unless you are a victim of the forced marriage yourself.

## Reasons for a forced marriage

The reasons why a forced marriage occurs are numerous and complex, and can occur in a wide variety of settings. They include:

- Controlling unwanted behaviour and sexuality
- Preventing 'unsuitable' relationships, i.e. with people outside their ethnic, cultural, caste or religious group
- Protecting perceived cultural or religious ideals
- Assisting claims for residence and citizenship
- Peer group or family pressure
- Poverty owing to death of a parent can be a trigger
- Ensuring land, property and wealth remain in the family
- Strengthening family links
- Providing a carer for children or a disabled family member.

## Indicators

A person who is experiencing or at risk of forced marriage may not know there is support available and often face barriers to coming forward for help. If you ever suspect someone might be experiencing forced marriage, it is important to try and connect them with assistance. They may display multiple indicators, including:

- Scared or nervous about upcoming family holiday overseas
- Failure to return from an overseas trip
- Conversations about being engaged or becoming engaged soon
- Sudden announcement of engagement
- Run away from home
- Repeated unexplained absences from school, university or work
- Sudden departure from school, university or work
- Changes in behaviour such as poor school, university or work performance
- Evidence of family or domestic violence or abuse
- Depression, self-harm or substance abuse
- Mother and/or older siblings stopped going to school, married early or forced to marry
- Early or unwanted pregnancy.
- Controlled or unreasonable restrictions of movement – unable to leave the family home without a chaperone, unreasonable curfews, control over whereabouts, always accompanied by family member to visits to health professionals

- Emails and mobile phone usage are monitored by parents, guardian or partner
- Lack of control over their income
- Withdrawn or social isolation
- Drawing away from social groups, or stopping communication with friends.

### What to do if you identify a forced marriage

It is important to be careful that any actions you take do not harm the person at risk.

- For free and confidential legal and migration advice, you can make a referral to Anti-Slavery Australia or My Blue Sky.
- In emergencies or where there is immediate danger, call Triple Zero (000).
- You can also make a direct report to the Australian Federal Police (AFP), who investigate forced marriage matters, on 131 237 or through their website at [www.afp.gov.au](http://www.afp.gov.au).

### Making a referral to Anti-Slavery Australia and My Blue Sky

1. Get the person's consent or authority to share information.
2. Refer to us via our Hotline on (02) 9514 8115 or via email to [help@mybluesky.org.au](mailto:help@mybluesky.org.au) or [ASALegal@uts.edu.au](mailto:ASALegal@uts.edu.au).
3. Useful information to include, if possible:
  - How can we safely contact the person
  - What are their living arrangements and are there any safety concerns
  - How old is the person
  - What visa do they (or their family) hold; what citizenship
  - Are there any plans to take the person overseas to marry
  - Are there any plans in place for a ceremony or marriage
  - What help is the person seeking
  - Vulnerabilities

## About Anti-Slavery Australia

Anti-Slavery Australia is a specialist legal service that provides pro bono legal and migration assistance to people who have experienced modern slavery. A core area of our work is in the forced marriage space, where we assist clients who have either been subject to, or are in danger of, being forced to marry. Our website, 'My Blue Sky', is a platform where people are able to contact us directly and anonymously for help and information in relation to forced marriage.

## Get involved in Anti-Slavery Australia's initiatives

### *Speak Now*

*Speak Now* is a community-based project that aims to strengthen the capacity of frontline workers and communities to address forced marriage and other slavery-like practices in the home. We are co-developing a range of educational and awareness-raising initiatives through engaging with service providers, communities and young people. These include:

- *Resources* – for frontline workers, communities and families on how to identify, address and prevent forced marriage and other forms of modern slavery in the home.
- *A podcast series* – which aims to be a conversation starter on forced marriage, featuring the experiences and expertise of people from diverse professional and personal backgrounds, incl. people with lived experience.
- *A youth campaign* – designed through consultation with young people, to promote consent-based decision-making and raise awareness about forced marriage and healthy relationships amongst young people.
- *Revamp of the 'My Blue Sky' website.*

To keep up to date with the project and find out how you can be involved, please contact the *Speak Now* team on [ASAresearch@uts.edu.au](mailto:ASAresearch@uts.edu.au) or (02) 9514 3834.

### *National Partnership Against Modern Slavery*

The National Partnership Against Modern Slavery is an online community managed by Anti-Slavery Australia where stakeholders can network, have discussions and share resources on all forms of modern slavery in Australia, including forced marriage.

Membership is free and currently open to community and frontline workers, researchers and academics. To join, please visit <https://partnership.antislavery.org.au>.

## Resources

### Websites

- [www.antislavery.org.au](http://www.antislavery.org.au)
- [www.mybluesky.org.au](http://www.mybluesky.org.au)

### Videos

- [Your Tomorrow \(forced marriage\)](#)
- [Lina's Story \(example of forced marriage\)](#)

### Online courses

- [Modern Slavery \(free course\)](#)
- [A Practical Guide to the Modern Slavery Act \(paid course\)](#)
- Modern Slavery in the Home (releasing in June 2022).

