

These deterrents include, but are not limited to:

- A lack of appropriate accommodation options if they leave their home.
- Mental health issues or crisis.
- Sense of guilt and betrayal.
- Fear of disconnection from friends, family, and community.
- Potential criminal consequences for their family.

If a young person discloses that they have or will be entering into a marriage which is **legal** and **consensual**, but you're concerned because of their age, you can support them by:

- Having a conversation to assess if they feel pressured into the decision and to explore their understanding of consent.
- Providing them with information on their rights.
- Providing them with information for family violence services in the event that they require support.

Understand the young person's position and their personal analysis of the situation. Ultimately, if the marriage is legal, then it is up to the young person to make their own decision. Your job is to support them to be prepared for all circumstances.

If an underage young person discloses to you that they are a victim of forced marriage, you may have responsibilities under mandatory reporting laws. Ensure that you are aware of any mandatory reporting laws that apply to you and that you abide by them.

In situations where forced marriage has occurred or is at risk of occurring, engagement with a culturally safe support service may provide the best outcome. In some cases, education, mediation, and external support can bring parents and family members back towards a safe home environment where everyone's rights are upheld.

Where can you go for help?

If you are concerned that someone you know is at risk of forced marriage and you would like some support with how to approach the situation, you can call the AMWCHR during business hours (9am–5pm) at **03 9481 3000**.

If you would like a secondary consult or a referral to a family violence service (if you have the young person's consent), you can contact:

- Australian Muslim Women's Centre for Human Rights (AMWCHR) – **03 9481 3000**
- Red Cross Support for Trafficked People Program – **03 9345 1800**
- Salvation Army Trafficking & Slavery Safe House – **1300 473 560**
- Centre for Multicultural Youth – **03 9340 3700**
- My Blue Sky – **02 9514 8115**

If you fear that someone is at immediate risk of forced marriage, options also include:

- Calling the Australian Federal Police (AFP) – **131 237**
- Calling Kids Helpline – **1800 55 1800**
- Approaching the relevant support services for specialist case management
- Supporting the individual to access FM or family violence crisis accommodation



Australian Muslim Women's
Centre for Human Rights
Equality without Exception

Funded by the Australian Government Department of Home Affairs



Australian Muslim Women's
Centre for Human Rights
Equality without Exception

Recognising & Responding to Forced Marriage

A guide for working with young people

Marriage & Consent in Australia

In order for a marriage to be legal in Australia, it must involve **two people** of **legal age** who **consent** to be married. Consent is a key requirement of any legal marriage, and means that each party to the marriage fully understand that a marriage is taking place, knows to whom they're getting married, and freely allows, agrees, or wants the marriage.

Religious marriages are also a form of marriage under federal law. However, in the context of forced marriage (FM) it's important to be aware that some Muslim communities view the religious marriage (*nikkah*) as a formal marriage ceremony, while others consider it to be the beginning of the engagement period. These culturally-specific understandings of marriage have repercussions for forced marriage cases as they may determine whether a young person is already a victim of forced marriage (*nikkah* as marriage), whether they are about to enter into a forced marriage (*nikkah* as engagement), or whether the marriage is legal but early (i.e. the engagement period began before the age of 18 but the marriage will occur once the person is above 18).

In Australia, the legal age of marriage is 18 except in rare cases where a court has given permission for someone aged 16 or 17 to marry. A person under the age of 16 is never able to give consent to marry.

Arranged Marriage Versus Forced Marriage

While working with young people, you may have heard conversations about marriages being arranged by parents. This is a practice common in certain cultures, and is not to be confused with forced marriage. In arranged marriages, trust is given to the parents to choose or suggest a partner. An arranged marriage requires consent. As soon as consent is not given, this is

no longer an arranged marriage, but a forced marriage. Forced marriage is a marriage in which one or more person has not consented and includes where:

- Consent is not freely and fully given due to threats, deception, coercion, or pressure.
- A person is unable to consent due to mental incapacity - e.g., due to being underage, having an intellectual disability, or experiencing mental health issues that impact their ability to fully understand the situation.

Drivers & Cultural Context of FM

There are countless reasons why a family might force a family member to marry. In many cases, they may genuinely believe that the marriage will be good for the person and wider family. In other cases, the marriage is more directly forced through abuse, threats, or manipulation. The cultural and individual contexts behind forced marriage are complex and varied, and can stem from things such as:

- Patriarchal ideas about women and marriage.
- Marriage as a way to migrate to Australia.
- Community pressure.
- Financial pressures.
- Marriage as stabilising and protective in light of experiences of trauma related to migration, displacement, conflict, and/or violence.
- Religious interpretation that prioritises marriage as an obligation.
- Regulating behaviours including those related to sex and romantic relationships, sexuality, gender/gender identity, drug and alcohol use, and more.

Though religion can sometimes be misused in an attempt to justify forced marriage, it is not a part of Islam. Consent is required for a marriage to be legitimate in Islamic terms.

Recognising the signs of FM

Although there will often be no signs of a young person being in a forced marriage, there are some things you can look out for. These include, but are not limited to:

- Discussion of engagement or marriage where they are either too young, or appear unhappy about it.
- They leave school suddenly or stop attending classes.
- There is evidence they are no longer living at home.
- There is evidence of family violence and abuse.
- They are showing signs of depression, self-harm, or other mental health issues.
- They have siblings who were married at a young age or below the age of 18.
- They are fearful or nervous about an upcoming family holiday overseas.

Opening Conversations

If you suspect that a young person you know is at risk of forced marriage, the most important thing you can do to encourage conversations is to create a judgement-free space where you listen to their concerns and validate their experiences. To open conversations, try beginning with one of the following:

- *"How is everything going at home? Has anything changed lately?"*
- *"I've noticed you haven't been at school as much. Is everything okay?"*
- *"Would you like to have a chat about what your plans are for the future?"*

Take a wellbeing approach to explore if there are any changes at home. This will help you identify whether the young person is experiencing other issues unrelated to forced marriage. Provide a safe space that the young person can come to at their own pace, keeping in mind that they may not want to speak with you straight away due to reasons which act as a deterrent for seeking help.