

The difference is choice





Baby Anika is fed by her 13-year-old mother, Sonamoni. She was married at the age of 8 years and 6 months to her husband who is now 29 years old. Photo courtesy UNICEF/BANA2013-01082/Kiron.

The AFP’s partnership with Australian Red Cross is tackling the emerging issue of forced marriages in Australia.

It seems simple enough. You meet someone, fall in love – and then make a conscious decision to marry. But it’s not always that straight forward.

A recent 2014–15 investigation where a 12-year-old girl in Sydney was ‘married’ to a 26-year-old foreign national in Australia on a student visa is a good example.

The case was referred to NSW Police and the 26-year-old and the child’s father were prosecuted under sexual assault and procuring a child for sexual assault.

The foreign student saw the 12-year-old at a mosque in the Hunter Valley and pursued the girl for marriage. He was duly told that any such marriage would be illegal by religious leaders.

Even so, the girl’s father was concerned that his daughter would soon be interested in boys and was afraid that she may have sex outside the institution of marriage.

Against the protests of his wife, the father sourced a religious principal that would officiate at the proposed marriage at a private residence in Sydney.

Authorities reported the matter to the police when the 26-year-old attended a Centrelink interview to become the child’s legal guardian.

The child was sexually assaulted 25 times and miscarried from an ectopic pregnancy.

The 26-year-old was sentenced to 10 years’ gaol after pleading guilty to the persistent sexual abuse of a child, while the father was convicted for “intentionally procuring a child under 14 for unlawful sexual activity” and for “inciting” and “encouraging” this activity to take place and sentenced to eight years’ gaol with a minimum non-parole period of six years.



About 70,000 girls die in labour every year because their bodies aren't ready for childbirth.

Challenges

The unfortunate reality is that the young girl is one of a growing number of reported cases of Australians being “coerced, threatened or deceived” into a forced marriage.

Legislation was passed in 2013 and these laws were amended in November 2015. So it is a relatively new issue for Australia and most countries in the West.

Australian Red Cross National Program Coordinator Support for Trafficked People Program (STPP) Helen Seignior says there is very little research to draw from.

“The reality is that we don't yet know enough about the nature and extent of this issue,” Ms Seignior says. “It clearly existed before the legislation and as awareness grows that it is illegal and help is available, we are seeing more reporting. However, one of the challenges is that we still don't know enough about how many people are really at risk or how best to prevent forced marriage.”

“Both the research and reported cases to date are limited. We are getting cases referred to us, but anecdotally we are hearing of more suspected cases from our networks with reach into schools, services and communities.”

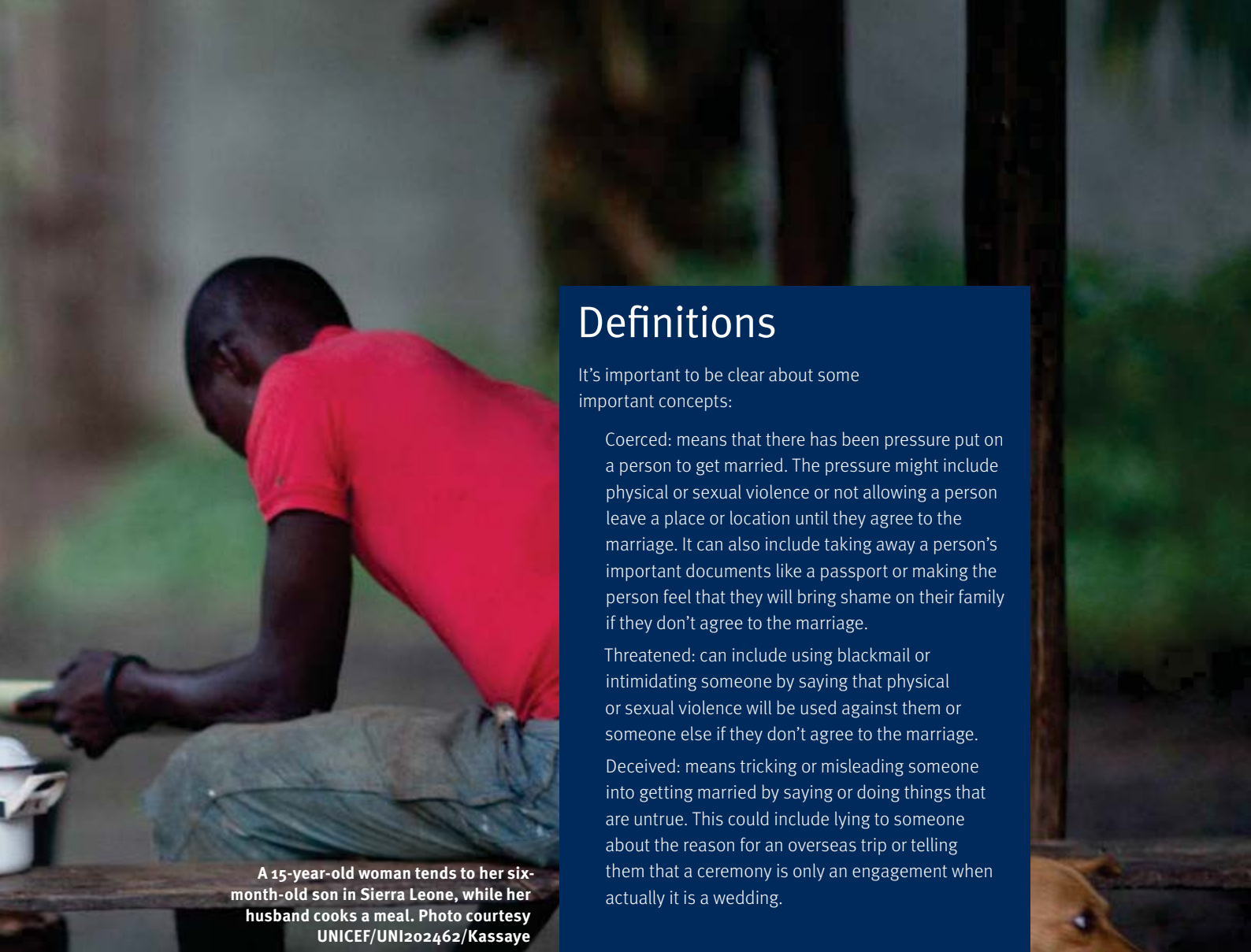
The international statistics are chilling. According to the 2013 UNICEF report *Ending Child Marriage* more than 700 million women alive at that time were married before their 18th birthday.

More than one in three of those women “entered into union” before age 15. Some were married as early as 5-years-old. About 70,000 girls die in labour every year because their bodies aren't ready for childbirth.

Forced marriage is still a hidden problem as young women are reluctant to report their own families, in many cases, their parents, to the authorities. Others might not know help is available or not feel ready or able to leave their family, home and community. Victims often are also afraid of retaliation against them if they don't comply with family wishes.

The AFP has specialised teams to investigate forced marriage and other types of human trafficking. These teams work in partnership with state and territory police and government agencies to ensure potential victims are protected.

AFP National Team Leader Human Trafficking James Braithwaite says forced marriages are a complex issue that could be considered another form of domestic violence.



A 15-year-old woman tends to her six-month-old son in Sierra Leone, while her husband cooks a meal. Photo courtesy UNICEF/UNI202462/Kassaye

Definitions

It's important to be clear about some important concepts:

Coerced: means that there has been pressure put on a person to get married. The pressure might include physical or sexual violence or not allowing a person leave a place or location until they agree to the marriage. It can also include taking away a person's important documents like a passport or making the person feel that they will bring shame on their family if they don't agree to the marriage.

Threatened: can include using blackmail or intimidating someone by saying that physical or sexual violence will be used against them or someone else if they don't agree to the marriage.

Deceived: means tricking or misleading someone into getting married by saying or doing things that are untrue. This could include lying to someone about the reason for an overseas trip or telling them that a ceremony is only an engagement when actually it is a wedding.

"Our experience shows that it isn't limited to one or two cultural or ethnic groups, it is something that has been seen across a broad range of communities," he says.

Between 8 March 2013 and 31 December 2015, the AFP received 65 referrals for suspected forced marriage cases, but the reality is suspected to be much higher as it is a taboo subject in many communities, making it difficult at times to pursue an investigation or gather evidence.

Partnership

The AFP and Red Cross partnership is mandated under the Australian Government's *National Action Plan to Combat Human Trafficking and Slavery 2015-2019*. Since 2009, 208 people have been referred to the Red Cross as suspected trafficked people. Of those, only 17 have been referred for forced marriage. Red Cross' role is to provide people referred by the AFP with support as they recover from their experience and while they support the police to pursue their case.

While the number of forced marriage clients is still small, Ms Seignior says meeting their needs is challenging.

"For some, reporting a forced marriage is very confronting." Trafficked people are generally from overseas – so in most

cases they need help to reconnect with families. With forced marriage, a young person may be escaping from their families and communities.

"Some young people may never have spent a night away from home before and they suddenly find themselves facing a new environment and big decisions about whether to help the police or leave home permanently. For some who need to go to a refuge, which might be mixed sex, and, where other residents can have a lot more life experience, it can be confronting and feel very isolating.

"Having to learn to live more independently and be away from friends, families and communities can be very challenging and people need time and support to adjust."

Legislation

Australia has joined the international community in condemning forced marriages. The November amendments further clarify and expand the definition of what forced marriage is.

In formally announcing the laws, Justice Minister Michael Keenan said forced marriage was an insidious and hidden crime. "It is a slavery-like practice, an abuse of international

human rights and there is no place for it in Australia,” he said.

Under Australian law, parties to a marriage must be 18-years-old. In some rare occasions, a 16 or 17 year old can marry with court approval.

It is against the law for children under 16 years old to marry at all. It is against the law to force anyone to marry.

Under the *Commonwealth Criminal Code Act 1995*, the forced marriage offences can apply to any person with a role in bringing about the forced marriage – including family members, friends, wedding planners or marriage celebrants.

The offences apply regardless of the age, gender or sexual orientation of the victim. The offences also criminalise being a party to a forced marriage. The offences can apply to different kinds of marriage and marriage-like relationships, including registered relationships and those formed by cultural and religious ceremonies.

This includes marriages that occur in Australia (including where a person was brought to Australia to get married), as well as where a person is taken from Australia to get married overseas.

The November amendments significantly increase penalties for forced marriage. The penalty for an “aggravated”

forced marriage offence has increased from a maximum of seven years’ imprisonment to a maximum of nine years’ imprisonment.

Aggravated forced marriage applies if the victim is under 18 and if the offender subjects the victim to cruel, inhuman or degrading treatment; or engages in conduct reckless to the danger of death or serious harm to the victim or another person.

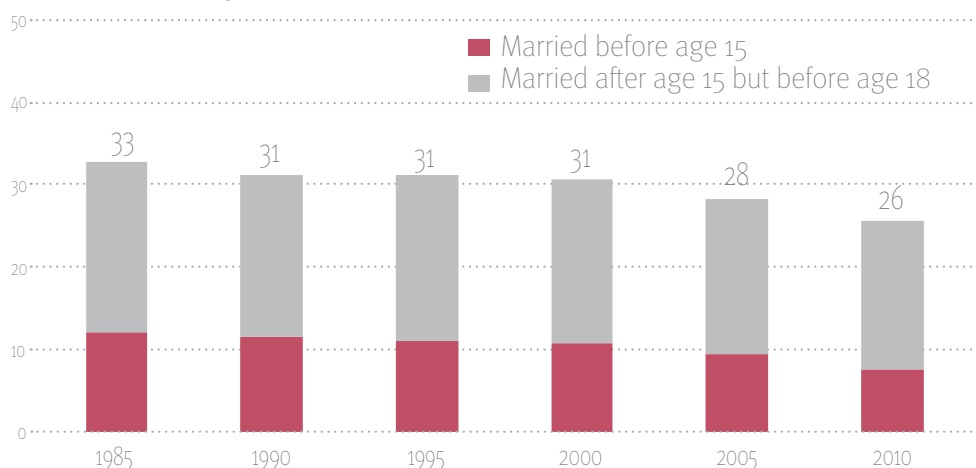
The maximum penalty for non-aggravated forced marriage offences has been increased from the existing four years’ to seven years’ imprisonment.

If the victim is under the age of 18 and taken overseas for the purpose of forced marriage, this may constitute a trafficking in children offence, which carries a penalty of up to 25 years’ imprisonment.

Initiatives are ongoing. The Government also announced the My Blue Sky website in November last year developed by Anti-Slavery Australia with the support of more than \$350,000 in funding from the Commonwealth.

Extensive community consultation was undertaken in developing the website, including through Anti-Slavery Australia’s participation in a series of forced marriage workshops for frontline officers and non-government agencies.

Percentage of women aged 20 to 24 years who were married or in union before ages 15 and 18



Note: Estimates are based on a subset of countries covering at least 50 per cent of the global population of women aged 20 to 24

While the practice of child marriage is declining internationally there is still a need for more research. Information courtesy 2013 UNICEF report *Ending Child Marriage*.



Australian Red Cross National Program
Coordinator Support for Trafficked People
Program Helen Seignior.

The workshops, hosted by the Attorney-General's Department, were delivered across Australia throughout 2015 in partnership with Anti-Slavery Australia and the AFP.

Anti-Slavery Australia will deliver the My Blue Sky legal advice service and a forced marriage helpline to provide free confidential advice to any person who has experienced, or is at risk of being coerced, threatened or deceived into marriage.

My Blue Sky can be accessed at www.mybluesky.org.au, and the forced marriage helpline is (02) 9514 8115. Further information regarding the Government's efforts to eradicate forced marriage can be found at www.ag.gov.au/forced-marriage.

More to do

There is still a lot to do. Ms Seignior says new research will provide a better understanding of how big a problem forced marriage is and of the most effective ways to address it. "It's important to understand and address any obstacles that stop people coming forward and reporting".

But she says it is clear that a lot more needs to be done to raise awareness that forced marriage is a crime and that help is available.

"Communities and other service providers may come across people in need of help, but the issue might go undetected or unreported. All of us are still learning about this complex issue.

"More awareness-raising is also needed in schools. Anecdotally, we are hearing that school counsellors are seeing this issue and may not know what to do about it. They may not know they can refer someone to the AFP and that help is available."

Ms Seignior says we also don't know enough yet about whether early family intervention could help prevent forced marriage where a risk is identified. "Research could help determine what special family services are needed. So far, these options haven't been available."

"In the meantime, if we can keep promoting more dialogue about forced marriage and help everyone to recognise it is a problem, we can hopefully increase reporting and get more people the help and support they need."