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| Forced marriage |
| Information for carers |

## What is forced marriage?

‘Forced marriage’ is when a person is made to get married without wanting to. It may involve being **coerced**, **threatened** or **deceived**.

In Australia, forcing someone to get married is never okay. Everyone has the right to marry who they want, when they want.

### What does coerced, threatened and deceived mean?

**Coerced:** pressure has been put on a person to get married. Some types of coercion are easy to identify, such as the use of physical or sexual violence, or not letting someone leave a place until they agree to the marriage. Other types of coercion are less obvious, involving psychological and emotional pressure. For example, threatening to take away important documents, like a passport, or making the person feel that they will bring shame on their family if they do not agree to the marriage.

**Threatened:** using blackmail or frightening someone by telling them something terrible will happen to them or their family, or that physical or sexual violence will be used against them or someone else if they do not agree to the marriage.

**Deceived:** saying or doing things that are untrue to trick a person into getting married. This might include lying to someone about the reason for an overseas trip or telling them a ceremony is only an engagement when it is really a wedding.

## Who is affected?

Forced marriage is not limited to any particular cultural group, religion or ethnicity, and there are reports of forced marriage from all over the world.

Anyone can be a victim of forced marriage, regardless of their age, gender or sexual orientation. While men and boys can be victims of forced marriage, most reported victims are young women and girls.

## Why do forced marriages happen?

Forced marriages occur due to a range of factors, including:

* Family ‘honour’ or long-standing family commitments
* To control unwanted behaviour and sexuality, and prevent ‘unsuitable’ relationships (such as those with people outside their ethnic, cultural, caste or religious group)
* To protect perceived cultural or religious ideals
* Peer group or family pressure
* To ensure land, property and wealth remain in the family
* To strengthen family links
* To assist claims for residence and citizenship
* To provide a carer for a disabled family member/reduce the ‘stigma’ of disability.

## Marriage in Australia

Everyone in Australia is free to choose **if**, **who** and **when** they marry.

Nobody is allowed to force a person to get married. It does not matter:

* what age they are
* what country or family background they are from
* whether they are male or female/what gender they identify as
* what their culture or religion is

Marriage in Australia is for people over the age of 18 who fully agree to the marriage.

A person under the age of 18 cannot get married except in very special circumstances. If a person is 16 or 17 and wants to get married (and their parents also agree), a court can approve the marriage. A court cannot approve a marriage if both people are under 18.

If a person is under 16 years, they cannot get married at all even if they want to or have their parents’ permission.

## Is forced marriage illegal?

Yes. In Australia, forcing someone to get married is illegal.

Under the *Commonwealth Criminal Code Act 1995* (Cth), it is illegal to:

* force a person to get married; or
* be a party to a forced marriage (that is, to marry someone when they know that person is being forced to get married).

The crime carries a maximum jail term of 7 years, or 9 years for an aggravated offence which includes forcing a person under the age of 18 to marry or forcing a person with a disability to marry. If a person under the age of 18 is taken overseas to enter a forced marriage, the maximum jail term increases to 25 years.

The laws cover all forms of marriage, including cultural and religious ceremonies, registered relationships, and marriages that take place in Australia (including where a person was brought to Australia to get married) or overseas.

Anyone involved in a forced marriage can be charged with a crime. This includes parents, other family members, friends, wedding planners, priests and marriage celebrants.

**Culture, religion and tradition are not excuses.**

## Why is forced marriage illegal?

Forced marriage is a violation of internationally recognised human rights and was criminalised in Australia in 2013.

If a young person is at risk of, or in a forced marriage, research indicates they are also likely to be at risk from sexual, physical and emotional abuse.

Forced marriage can result in isolation, poor education outcomes, physical and mental health problems, and even death.

## What may happen?

If a child protection worker from the Department of Health and Human Services (DHHS) has concerns that a child or young person is in a forced marriage, or is going to be forced to marry, and they believe that child or young person is not safe, the worker can make an application to the court to protect the child and stop the wedding from occurring.

Victoria Police or the Australian Federal Police will investigate the situation to decide if a crime has been committed by those forcing the young person to marry.

Children and young people may romanticise the forced marriage and state they are happy to be married and with the arrangement, or may be secretive about it. Therefore careful assessment is required.

## How you can help?

Someone in, or at risk of, a forced marriage may find it hard to talk about their situation. Cultural sensitivity is required.

There are a number of organisations (see below list) you can obtain more information on forced marriage from, and that can provide the child or young person with tailored support.

## Resources

**Anti-Slavery Australia:** www.antislavery.org.au

**Australian Catholic Religious Against Trafficking in Humans:** www.acrath.org.au

**Australian Muslim Women’s Centre for Human Rights:** www.ausmuslimwomenscentre.org.au

**Department of Home Affairs:** www.homeaffairs.gov.au

**Good Shepherd:** www.goodshep.org.au

**My Blue Sky:** www.mybluesky.org.au

**Red Cross:** www.redcross.org.au

**Karma Nirvana (UK):** www.karmanirvana.org.uk

## DHHS contact information

The child protection worker’s name is:

Their Department of Health and Human Services’ office is:

Their contact number is:

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