



Forced marriage: FACT SHEET FOR MEDIA

Key messages

- Forced marriage is not acceptable and is a slavery-like practice and an abuse of human rights.
- Forcing somebody to get married is a crime in Australia, and is punishable by up to nine years in prison, or up to 25 years in prison if a child is taken overseas for forced marriage.
- In Australia the marriageable age is 18. It is illegal under Australian law for any person under the age of 16, and two people under the age of 18, to marry.
- The Australian Federal Police (AFP) has specialised teams to investigate forced marriage.
- If someone you know has been forcibly married, or is at risk of a forced marriage, help is available.
- More information on forced marriage is available from www.ag.gov.au/forcedmarriage and www.mybluesky.org.au.

- Information about a person in, or at risk of, a forced marriage should only ever be disclosed in media reporting with that person's informed consent.
- Know that forced marriage is not limited to any particular cultural group, religion, ethnicity, age or gender.
- Understand the difference between arranged marriage and forced marriage.

What is forced marriage?

- Under Commonwealth law a forced marriage is one where 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.
- A person can be coerced through obvious means such as force, detention or duress, or through more subtle means like psychological oppression, an abuse of power or taking advantage of the person's vulnerability.

Considerations for media in reporting and dealing with forced marriage issues

- Always act to protect people's safety. The most important consideration is always the safety of the person in, or at risk of, a forced marriage.
- Protect the privacy and confidentiality of people who may be in, or at risk of, a forced marriage at all times. Even small details that appear insignificant can identify a person or their location to members of their community.

Is forced marriage different from arranged marriage?

- Forced marriage is very different from arranged marriage. While an arranged marriage involves the introduction of potential spouses through the involvement of a third party or family member, it requires the consent of both parties, who can agree or refuse to marry. Arranged marriages are legal in Australia.

What conduct is covered by Australia's forced marriage offences?

- 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. This only applies where one spouse is not a victim of the forced marriage, and does not have a reasonable excuse.
- 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.

Who does forced marriage affect?

- 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.
- Plan International estimates that 14 million girls under the age of 18 marry each year.
- While the majority of reported victims globally are young women and girls, men and boys can also be victims of forced marriage.
- Forced marriage puts people at risk of harmful consequences, including emotional and physical abuse, loss of autonomy and loss of access to education.

What is the Government doing to prevent forced marriage in Australia and support the victims?

- The Australian Government has taken a strong stance against forced marriage.
- The Australian Parliament has criminalised forced marriage in Australia with offenders, including parents of victims and marriage celebrants, facing up to nine years in prison, or up to 25 years in prison if a child is taken overseas for forced marriage.
- The AFP has specialised teams to investigate forced marriage. These teams work in collaboration with State and Territory police to ensure potential forced marriage offences are fully investigated.
- The AFP is responsible for referring suspected victims to the Australian Government's Support for Trafficked People Program which is delivered nationally by the Australian Red Cross: www.redcross.org.au/support-for-trafficked-people.aspx.
- The Support Program provides individualised case management support, including assistance to access suitable accommodation that meets safety and security requirements, financial support, medical treatment, counselling, access to legal and migration advice, appropriate skills development training, including English language training, and vocational guidance and social support.
- If the person referred to the Support Program is a child, they would also be referred to the relevant State or Territory child protection authority for appropriate assistance.

- The Australian Government also works with a range of organisations to raise awareness about forced marriage in local communities, schools and amongst vulnerable groups.
- Training about forced marriage is continuously provided to police investigators, prosecutors, immigration and consular officials.
- Information about forced marriage is contained in the 'Guidelines on the *Marriage Act 1961* for Marriage Celebrants' prepared by the Australian Government.

What are the penalties for the parties involved in a forced marriage?

- Under the *Commonwealth Criminal Code Act 1995*, if the victim is over the age of 18, the penalty is up to seven years' imprisonment.
- If the victim is under the age of 18, the penalty is up to nine 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.
- Under the *Commonwealth Marriage Act 1961* it is an offence for a person to go through a form or ceremony of marriage with a person who is not of marriageable age. The penalty for this offence is up to five years' imprisonment.
- Under the *Marriage Act* it is also an offence for a person to solemnise, or purport to solemnise, a marriage if the person has reason to believe that one or both of the parties are not of marriageable age. Penalties for this offence include up to six months' imprisonment.

How prevalent is the issue of forced marriage in Australia?

- Forced marriage is a hidden crime.
- Law enforcement authorities believe forced marriage in Australia is underreported and it is difficult to accurately estimate the number of cases.
- Between 8 March 2013 and 31 December 2016, the AFP received 138 referrals for suspected forced marriage cases.

How can I report a forced marriage in Australia?

- In an emergency, Triple Zero (000) should be called immediately.
- Possible cases of forced marriage can be reported to the national forced marriage helpline, *My Blue Sky*. The helpline offers free, confidential legal advice and can be contacted by calling 02 9514 8115, sending an SMS to 0481 070 844, or emailing help@mybluesky.org.au.
- Information relating to someone in, or at risk of, forced marriage can be reported to Crime Stoppers via telephone on 1800 333 000 or online via their website: www.crimestoppers.com.au.
- If someone is at immediate risk of forced marriage, reports can be made to the AFP by completing an online form on their website: https://forms.afp.gov.au/online_forms/human_trafficking_form or by calling 131 AFP (131 237). Contact with the AFP can be anonymous.

Guidelines for non-government organisations (NGOs) working with trafficked people

- The *Guidelines for NGOs: Working with trafficked people* are an important resource and promote the best interests of trafficked people including the importance of informed consent, privacy protection and culturally appropriate services. They provide practical advice to NGOs dealing with victims of human trafficking, slavery and slavery-like practices, including forced marriage.
- The guidelines are available to download on the Attorney-General's Department website: www.ag.gov.au/humantrafficking.

Spokespeople available to approach on forced marriage issues

- The Commonwealth Minister for Justice, the Hon Michael Keenan MP, has portfolio responsibility for forced marriage offences and policy. Minister Keenan's office can be contacted on 02 6277 7290
- Professor Jennifer Burn, Anti-Slavery Australia, 02 9514 9662
- Ms Joumanah El Matrah, Australian Muslim Women's Centre for Human Rights, 03 9481 3000
- Ms Christine Carolan, Australian Catholic Religious Against Trafficking in Humans, 03 9645 5986