



Forced Marriage: FREQUENTLY ASKED QUESTIONS

- **What is a forced marriage?**

A forced marriage happens when a person gets married without freely and fully consenting to the marriage 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.

Forcing anybody to get married is never acceptable. Forced marriage is a slavery-like practice, an abuse of human rights and a serious crime.

- **Do forced marriages happen in Australia?**

YES. There is little information regarding the extent of forced marriage in Australia but government consultations suggest that forced marriage in Australia is underreported. Forced marriage can involve marriages that occur in Australia (including where a person was brought to Australia to get married), as well as situations where a person is taken from Australia to get married overseas.

- **Is forced marriage a crime in Australia?**

YES. Forcing someone to get married is a crime in Australia under the Commonwealth *Criminal Code Act 1995*, and is punishable by up to seven years in prison. If the victim is under the age of 18, the penalty increases to nine years' imprisonment, or 25 years' imprisonment if the child is taken overseas for the purpose of forced marriage.

- **Are forced marriages conducted in a religious or cultural ceremony covered by Australia's forced marriage offences?**

YES. Australia's forced marriage offences can apply to different kinds of marriage and marriage-like relationships, including registered relationships and those formed by cultural or religious ceremonies.

- **Does the marriage have to take place in Australia for it to be covered by Australia's forced marriage offences?**

NO. Australia's forced marriage offences can apply to marriages that occur in Australia (including where a person was brought to Australia to get married), as well as where a person is taken overseas to get married.

- **Who is covered by Australia's forced marriage offences?**

The offences can apply to any person with a role in bringing about the forced marriage – including families, friends, wedding planners or marriage celebrants. The offences also criminalise being a party to a forced marriage (marrying someone who does not want to be married). This only applies where one spouse is not a victim of the forced marriage, and does not have a reasonable excuse.

- **Aren't only people from certain backgrounds vulnerable to forced marriage?**

NO. 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.

- **Are victims of forced marriage only women and girls?**

NO. While the majority of reported victims globally are young women and girls, men and boys can also be victims of forced marriage. A person can be a victim of forced marriage regardless of their gender or sexual orientation.

- **Are forced marriages different from an arranged marriage?**

YES. Forced marriage and arranged marriage are very different.

While an arranged marriage involves the spouse being introduced by 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 are the signs that someone might be in, or at risk of, a forced marriage?**

If someone you know is in, or at risk of, a forced marriage, they may have difficulty telling you about their situation.

However, a combination of the following signs may indicate that a person is in a forced marriage, or at risk of being made to enter into a forced marriage:

- a sudden announcement that the person is engaged
- the person's older brothers or sisters stopped going to school or were married early
- the person's family have a lot of control over the person's life which doesn't seem normal or necessary (e.g. the person is never allowed out or always has to have somebody else from the family with them)
- the person displays signs of depression, self-harming, social isolation and substance abuse
- the person seems scared or nervous about an upcoming family holiday overseas
- the person spends a long time away from school, university or work
- the person often doesn't come to, or suddenly withdraws from school, university or work
- the person does not have control over their income
- the person is unable to make significant decisions about their future, including without consultation or agreement from their parents, and/or
- there is evidence of family disputes or conflict, domestic violence, abuse or running away from home.

These descriptors are not intended to be exhaustive but may indicate that someone is in, or at risk of, a forced marriage.

- **What should I do if I think that someone is in, or at risk of, a forced marriage?**

It can be difficult to identify the signs of forced marriage and you should always seek help and advice as soon as possible if you are uncertain about how to respond.

It is important that you always act in the best interests of the person in, or at risk of, a forced marriage, including by being mindful of their safety and your own.

The *My Blue Sky* website <www.mybluesky.org.au> provides people in, or at risk of, forced marriage with important information and links to support services, as well as useful resources for frontline responders, service providers and the general community.

Preliminary assistance, including free, confidential legal advice about forced marriage, is available from *My Blue Sky*, the national forced marriage helpline, on 02 9514 8115. The *My Blue Sky* helpline operates Monday to Friday between 9am and 5pm, with an out of hours recorded message. You can also get help by emailing help@mybluesky.org.au, or sending an SMS to 0481 070 844.

The Australian Federal Police (AFP) can assist people who are in, or at immediate risk of, forced marriage, including where a person needs help to make sure he or she won't be taken overseas. The AFP can refer victims for support, including safe accommodation, financial support, legal advice and counselling. Initial support is available for victims even where they don't want to assist with an investigation or prosecution. In cases where the victim is a child, the AFP will always act in their best interests. Contact with the AFP can be anonymous if you wish. If you want to report someone is in, or at immediate risk of, a forced marriage you can complete an online form on the AFP website: <https://forms.afp.gov.au/online_forms/human_trafficking_form> or call 131 AFP (131 237).

Information about people in, or at risk of, forced marriage can also be reported anonymously to Crime Stoppers via telephone on 1800 333 000 or online via their website: <www.crimestoppers.com.au>.

In an emergency, call Triple Zero (000) immediately.

The following specialist community organisations may also be able to provide help and advice:

Anti-Slavery Australia

Phone: 02 9514 9662

Email: antislavery@uts.edu.au

Website: <www.antislavery.org.au>.

Australian Muslim Women's Centre for Human Rights

Phone: 03 9481 3000

Website:

www.ausmuslimwomenscentre.org.au.**Salvation Army**

Phone: 02 9211 5794

Email: endslavery@aue.salvationarmy.org.auWebsite: www.endslavery.salvos.org.au.**The National Sexual Assault, Domestic & Family Violence Counselling Service:**

Phone: 1800 RESPECT (1800 737 732)

Email: Online counselling is available through the website

Website: www.1800respect.org.au.**The Family Law Courts National Enquiry Centre**

Phone: 1300 352 000

Email: enquiries@familylawcourts.gov.au

The person may also wish to seek advice from the Family Law Courts National Enquiry Centre which can be contacted on 1300 352 000, or seek advice from a family solicitor at their closest Legal Aid office.

The Translating and Interpreting Service can be contacted on 131 450.

- **Is there anything people in, or at risk of, a forced marriage can do to protect themselves?**

YES. A forced marriage safety plan is available to help people to protect themselves if they are worried that they may be at risk of a forced marriage or are in a forced marriage.

Completing the plan will help people to think about how they can respond to unsafe situations, identify practical strategies to communicate safely, stay safe at home or prepare to leave home safely, and make sure that they are not taken overseas to be married.

The forced marriage safety plan is available online at www.ag.gov.au/forcedmarriage.

- **What has Australia done to make sure children can't be taken overseas to be forcibly married?**

There are measures in place to prevent children being taken overseas for the purposes of exploitation including forced marriage.

The Australian Federal Circuit Court can make orders:

- to prevent a passport being issued for a child
- that require a person to deliver a child or accompanying adult's passport to the court, and
- that restrain the removal of a child from Australia and place the child's name on the Airport Watch List.

- **Can people under the age of 18 get legally married in Australia?**

YES. In some limited circumstances.

The Commonwealth *Marriage Act 1961* permits a marriage where one person is aged between 16 and 18 years of age and where there is both the required consent (usually parental) and an Australian court order is in force from a judge or magistrate authorising the marriage.

Two people under the age of 18 cannot marry. In no circumstances can anyone under the age of 16 marry in Australia.

- **If a marriage was forced will it be recognised under the Marriage Act?**

The Commonwealth *Marriage Act 1961* includes provisions whereby a marriage is void if the consent of a party was not real, or if a party was not of marriageable age.

The Family Court of Australia and the Family Court of Western Australia have the power to declare that a marriage is invalid by issuing a decree of nullity. The Family Courts can issue a decree of nullity in certain circumstances, including if either or both parties to the marriage did not fully and freely consent to the marriage.