



FORCED MARRIAGE



An Australian Government Initiative

THE NATIONAL ROUNDTABLE ON HUMAN TRAFFICKING AND SLAVERY COMMUNICATION AND AWARENESS WORKING GROUP

Information about forced marriage for agencies, community organisations and service providers

Purpose: The National Roundtable on Human Trafficking and Slavery Communication and Awareness Working Group has developed this document to provide agreed, best-practice information about forced marriage. This information is intended for use by government agencies, community organisations and service providers in documents and materials. This information is designed to be culturally, gender and age appropriate and is part of the Forced Marriage Community Pack. The resources in the Forced Marriage Community Pack are available online at: www.ag.gov.au/forcedmarriage. Organisations should consider reading this document in conjunction with the *Guidelines for NGOs: Working with trafficked people*, which is available online at: www.ag.gov.au/humantrafficking.

This information is not legal advice and is not intended as a general resource for people in, or at risk of, a forced marriage.





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Understanding forced marriage

What is forced marriage?

Forcing anybody to get married is never acceptable and is a crime in Australia. It doesn't matter where somebody lives, what their gender is, how old they are, or what their community background is; nobody is allowed to physically, emotionally, or psychologically pressure anyone to get married without their consent. In Australia, the term 'forced marriage' is used

to describe what happens when somebody 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. Forced marriage deprives people of their equal enjoyment and exercise of human rights and freedoms.

Terminology explained: what does freely and fully consenting mean?

Freely and fully consenting means that a person wants to get married and is able to choose if, who and when they marry. The table below explains what free and full consent means.

Free and full consent is:	Free and full consent is not:
<ul style="list-style-type: none"> choosing to marry because you feel you are <i>ready</i> to marry 	<ul style="list-style-type: none"> agreeing to marry because of the threat or use of force or coercion against yourself or others, including physical or sexual violence
<ul style="list-style-type: none"> choosing to marry because you <i>wish</i> to marry 	<ul style="list-style-type: none"> agreeing to marry because you are being unlawfully detained or held against your will
<ul style="list-style-type: none"> choosing to marry because you <i>want</i> to marry your potential spouse 	<ul style="list-style-type: none"> agreeing to marry because of emotional or psychological pressure, including not wanting to cause shame to your family
<ul style="list-style-type: none"> choosing to marry because you <i>understand</i> what getting married means and how it will affect your life 	<ul style="list-style-type: none"> agreeing to marry out of obedience to somebody in a position of trust or authority such as your parents or grandparents
<ul style="list-style-type: none"> being able to choose not to marry without fear of the consequences for yourself, and 	<ul style="list-style-type: none"> agreeing to marry because that is what other people in your culture or community expect
<ul style="list-style-type: none"> being able to choose not to marry without fear of the consequences for others. 	<ul style="list-style-type: none"> agreeing to marry because you are being financially abused (for example, your wages, money for everyday things like food, or other forms of support are being withheld)
	<ul style="list-style-type: none"> agreeing to marry because of other forms of coercion, including blackmail or somebody withholding important documentation from you, such as your passport, or
	<ul style="list-style-type: none"> agreeing to marry when you have been tricked or deceived about the proposed marriage.

Free and full consent cannot be given by somebody who is unable to understand what they are consenting to. This means that some people cannot give valid consent to marriage because of their age or intellectual capacity.

Terminology explained: what does coerced, threatened or deceived mean?

Coercion means pressuring a person to agree to be married. Some types of coercion are obvious and easy to identify. These types of coercion can include the use of physical or sexual violence or refusing to let somebody leave a particular place or location until they accept the marriage. Other types of coercion are less obvious. These types of coercion can include confiscating important documents like passports, or making a person feel responsible for, or ashamed of, the consequences of not marrying, such as bringing shame on their family. People can also use *threats*, like blackmail and threats of physical or sexual violence, to force somebody to agree to marriage. *Deception* means tricking or misleading somebody into getting married by saying or doing things that are incorrect. For example, people might try to make someone to get married by telling them that a wedding ceremony only means that they are engaged or by lying about the reasons for an overseas trip to meet a future husband or wife.

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. While men and boys can be victims of forced marriage, most reported victims are young women and girls. Forced marriage is considered a form of gender-based violence. There is little information regarding the extent of forced marriage in Australia. However, government consultations suggest that forced marriage in Australia is underreported.

Australia's response to forced marriage sits within the Australian Government's strategy to combat serious forms of exploitation, including human trafficking, slavery, and other slavery-like practices such as servitude and forced labour. You can find more information about forced marriage online at www.ag.gov.au/forcedmarriage or at www.mybluesky.org.au.

Australia's response to forced marriage

What is covered by Australia's laws against forced marriage?

Forced marriage is never acceptable. This is why Australia has passed laws to make it illegal for anyone to force another person to marry. Australia's laws against forced marriage are included in the Commonwealth *Criminal Code Act 1995*, and criminalise causing somebody to enter a forced marriage and being a party to a forced marriage. Being a party to a forced marriage means agreeing to marry somebody else who you know or suspect is a victim of forced marriage unless you are a victim of the forced marriage yourself.

The forced marriage offences carry a maximum penalty of seven years' imprisonment, or nine years' imprisonment for an aggravated offence. An offence may be aggravated in several circumstances, including where the victim is under the age of 18. If the victim is under the age of 18, and is taken overseas for the purpose of forced marriage, the maximum penalty increases to 25 years' imprisonment.

The crime of forced marriage can apply:

- **to legally recognised marriages, as well as cultural or religious ceremonies and registered relationships**

A person can be a victim of forced marriage even if they are not married in a formal, legal ceremony. To be legally married in Australia in a formal ceremony, a person must not already be married to someone else and must normally be at least 18 years old. They must also understand what marriage means, freely consent to becoming husband and wife, and use specific words during the ceremony. Other legal requirements include that a minimum of one month's written notice of a person's intention to marry must be given to the authorised celebrant, and that a minimum of two official witnesses over the age of 18 must be present at the marriage ceremony. A person cannot marry a parent, grandparent, child, grandchild, brother or sister.

Illustrated example: Sarah is a 14 year old high school student. Her family force Sarah to marry her cousin in a cultural ceremony held in Australia. This is a forced marriage even though the marriage is not legally recognised under Australian law.

- ***regardless of the age, gender, or sexual orientation of the victim***

A person can be a victim of forced marriage even if they are under the age of 18 and regardless of their gender or sexual orientation.

Illustrated example: Kai is 16 years old and his family suspect that he is gay. Kai travels with his parents on a family holiday overseas to his country of birth. Once Kai arrives, his parents force him to marry Isabel, a young woman from his community. When Kai attempts to refuse, he is beaten by family members and told that he will be disowned by his parents if he does not go ahead with the marriage. Although the ceremony took place outside Australia, this is a forced marriage under Australian law because Kai's parents are Australian residents.

- ***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***

Australia's forced marriage offences have extended geographical jurisdiction. This means that they can apply to marriages that take place in Australia, as well as marriages that take place outside Australia if the offender is an Australian citizen, resident or corporation.

Illustrated example: Isla is a teenage girl and lives overseas in another country. One day, Isla is told by her parents that she will travel with them to Australia on an overseas holiday. When they reach Australia, Isla's parents inform her that she is to be married to Benjamin, a man she has never met. Isla's parents confiscate her passport and tell her that unless she agrees to marry Benjamin she will be unable to return home. With no money, passport or means of supporting herself, Isla is forced to marry Benjamin in Australia. This is a forced marriage under Australian law even though Isla is not an Australian citizen.

- ***to the conduct of any person involved in bringing about the forced marriage, including family members, friends, wedding planners and marriage celebrants***

Australia's forced marriage offences criminalise the conduct of anybody who is reckless about whether their actions may contribute to somebody being forced to marry.

Illustrated example: Mia organises a wedding ceremony for her cousin, Ruth. Mia has heard that Ruth's family want to make her marry Omar, a much older family friend, and that Ruth does not want to marry this man. While Mia is organising the ceremony, Ruth's family do not allow Mia to see Ruth at all. Mia is worried about Ruth because she thinks there is a significant risk that she will be forced to marry Omar. However, Mia goes ahead with organising the ceremony because it has already been paid for. During the ceremony, Ruth is forced to marry Omar. Because Mia organised the ceremony despite thinking it was quite possible that Ruth would be forced to marry Omar, she may be guilty under Australian law of causing somebody to enter into a forced marriage.

What isn't covered by Australia's laws against forced marriage?

The crime of forced marriage does not include:

- ***arranged marriages – 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.***

Illustrated example: Stephen is 18 and wants to get married. His aunt is in charge of organising his marriage, including by selecting his new wife, Priya. Stephen and Priya think carefully before both deciding that they would like to marry each other. No one tries to make Stephen or Priya marry and there are no negative consequences for them if they decide not to marry.

- ***sham marriages – a sham marriage is a fake marriage willingly entered into by both parties for fraudulent purposes.***

Illustrated example: Emmanuel and Maria are not in a genuine relationship but decide to enter into a sham marriage for immigration purposes. By marrying Emmanuel, Maria is able to apply for a more favourable visa status.

- ***servile marriage (where a person is sold or inherited), or circumstances where a spouse is treated like a possession, including through ongoing exploitation within the relationship. These are also serious exploitative practices condemned by the Australian Government, but are separate crimes.***

Illustrated example (inheritance): Zhang is married to Peter. When Peter dies, Zhang is inherited by Peter's brother who marries her in accordance with the cultural practices of their community.

Illustrated example (exploitation within a marriage): After her marriage to Dmitry, Angela is subjected to verbal and physical abuse and forced to undertake menial labour in her home by Dmitry and his extended family. If Angela does not complete her tasks effectively she is refused food and water. This exploitation continues for an extended period of time.

What other domestic legal frameworks are relevant to forced marriage?

a) The Commonwealth *Marriage Act 1961*

In addition to the forced marriage offences in the Criminal Code, Australia also has other legislation relevant to forced marriage. The Commonwealth *Marriage Act 1961* includes provisions whereby a marriage may be void if the consent of a party was not real, or if a party was not of marriageable age. The Marriage Act permits a marriage where one person is aged between 16 and 18 years of age, 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. It is illegal for any person under the age of 16, or two people under the age of 18, to marry.

b) Vulnerable witness protections

Australia's response to forced marriage is complemented by federal legislation to protect vulnerable witnesses and victims giving evidence in Commonwealth criminal proceedings, including victims of forced marriage. Protections available under the Commonwealth *Crimes Act 1914* include the ability to give evidence by closed-circuit television, video recording or video link, and to have a support person accompany the witness when giving evidence. The Crimes Act also makes it an offence to publish material identifying a victim of specified crimes, including forced marriage. The protections apply automatically to victims of human trafficking, slavery and slavery-like offences, including forced marriage, in recognition of the extreme forms of trauma and exploitation they may have experienced. All individual victims of Commonwealth offences, including forced marriage, are also able to make a victim impact statement, outlining to the Court the harm they have experienced as a result of the offence.

c) Compensation for victims of forced marriage

Under Australia's domestic legal system, schemes for financial payments that recognise the experiences of victims of crime are generally provided by each Australian State and Territory. These schemes may apply to victims of forced marriage. Reparation orders for victims of forced marriage may also be made under the Commonwealth *Crimes Act 1914*. Under Section 21B of the Crimes Act, the Court may order a person convicted of a Commonwealth offence to make reparation to a victim for any loss suffered, or any expense incurred, by the victim by reason of the offence. It is important for any victim of forced marriage to obtain legal advice about possible pathways for financial compensation. Further information on Community Legal Centres can be found at www.naclc.org.au.

d) State and Territory laws

Some State and Territory legislation, including child abuse, assault, sexual assault and domestic or family violence offences, may apply to situations where somebody is forced to marry. Victims may also be able to access civil protections such as domestic or family violence orders. These laws are different in each jurisdiction and their applicability will depend on the specific circumstances of each case.

How do Australia's laws against forced marriage support our international obligations?

A person's right to choose whether to marry is central to their life and their dignity and equality as a human being. Criminalising forced marriage is consistent with Australia's international obligations to prevent and address forced marriage and ensure that marriages are entered into with the free and full consent of each spouse.

The following international instruments are relevant to forced marriage:

- the *Universal Declaration on Human Rights* provides that marriage shall be entered into only with the free and full consent of the intending spouses
- the *Supplementary Convention on the Abolition of Slavery* prohibits any institution or practice whereby a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group
- the *International Covenant on Civil and Political Rights* provides that no marriage shall be entered into without the free and full consent of the intending spouses
- the *International Covenant on Economic, Social and Cultural Rights* states that marriage must be entered into with the free consent of the intending spouses
- the *Convention on the Elimination of All Forms of Discrimination Against Women* requires States Parties to eliminate discrimination against women in all matters relating to marriage and family relations and provides that the 'betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory'
- the *Convention on the Elimination of All Forms of Racial Discrimination* protects the right to marriage and choice of spouse
- the *Convention on the Rights of the Child* provides that children are to be protected from all forms of violence and exploitation, and
- the *Hague Convention on Celebration and Recognition of the Validity of Marriages* provides that free consent is a requirement for the validity of a marriage.

Prevention and assistance: guide for Australian government and non-government agencies

How can I tell if someone is at risk of forced marriage?

If someone you know is in, or at risk of, a forced marriage, they might find it hard to tell you about their situation. However, if you notice some of the following signs, this could mean 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.

It can be difficult to identify the signs of forced marriage and you should always seek help and advice as soon as possible. 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 as well as your own. If you plan to meet with a person in, or at risk of, a forced marriage it is important that you read and understand the information in Appendix One.

Do I have a legal obligation to report suspected cases of forced marriage involving children and young people to government child protection services?

If you have a reasonable suspicion that a child or young person is at risk of physical, sexual or emotional abuse, it is important that you seek help. Under State and Territory legislation, certain groups of people have a legal obligation to report suspected cases of child abuse and neglect to government authorities. Every Australian State and Territory has enacted mandatory reporting laws, but these laws are different in each jurisdiction. As well as differences describing who is a mandated reporter across jurisdictions, there are differences in the types of abuse and neglect which must be reported. It is important that you are familiar with the mandatory reporting requirements for child abuse and neglect in your State or Territory. Information about mandatory reporting requirements is available from the Government departments concerned with children and families in your State or Territory. If you do not have a legal obligation to report, you can still contact *My Blue Sky* or the Australian Federal Police (AFP) if you suspect someone is in, or at risk of, forced marriage.

What can I do to assist people in, or at risk of, a forced marriage to get help or advice?

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

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 AFP can also assist people who are in, or at risk of, a forced marriage. The AFP are responsible for protecting people who are in or at risk of a forced marriage and are specially trained to deal with these situations. The AFP can help a person in, or at risk of, a forced marriage to:

- stay safe
- make sure that they won't be taken overseas to get married, and
- access special support services including safe accommodation, financial support, legal advice and counselling.

The AFP are able to help people in, or at risk of, a forced marriage even if they do not want to assist with an investigation or prosecution. If the person is a child (younger than 18 years old), the AFP will always act in their *best interests*. You can refer a matter to the AFP by filling out an online form on the human trafficking page on the AFP website: <https://forms.afp.gov.au/online_forms/human_trafficking_form> or by calling 131 AFP (131 237). For the safety of the person in, or at risk of, a forced marriage, it is important that you help them to use a safe computer or phone to contact the AFP.

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

If the person is already overseas, they can contact the nearest Australian Embassy/Consulate for help or contact the 24 hour Consular Emergency Centre in Canberra on +61 2 6261 3305 or by SMS on +61 421 269 080.

a) What safeguards are available to help prevent a child or young person from being taken overseas?

Sometimes, children and young people can be taken overseas to be forcibly married. This is against the law in Australia and the Australian Federal Circuit Court can make orders to ensure that a child cannot be taken overseas. This means that the Court is able to:

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

Terminology explained: what does best interests mean?

The *best interests* of a child is a legal term and means that any decision about the welfare of a child must be made based on a number of factors, especially their ultimate safety and wellbeing. Although the views of a child need to be considered, acting in their *best interests* may sometimes involve going against their wishes.

If you are concerned that a child may be taken overseas to be forcibly married it is important that you contact the AFP for assistance. You can also seek legal advice about making an application to the Australian Federal Circuit Court from a qualified community legal centre. You can find information about the types of legal services available from community legal centres in your area at www.naclc.org.au.

b) What kind of support services can the Australian Federal Police help a person in, or at risk of, a forced marriage to access?

The AFP can refer people in, or at risk of, forced marriage to the Australian Government's Support for Trafficked People Program. The Support Program provides individual 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 and vocational guidance, and social support. If the person referred to the Support Program is a child, he or she would also be referred to the relevant State or Territory child protection authority for appropriate assistance. Information about the Support Program is available online at: www.redcross.org.au/support-for-trafficked-people.aspx.

If the person in, or at risk of, a forced marriage is not an Australian citizen and does not have a valid visa, they may be eligible for a visa under the Australian Government's Human Trafficking Visa Framework. The Visa Framework allows people in, or at risk of, a forced marriage to remain in Australia lawfully if they are not an Australian citizen or resident and do not hold a valid visa. Registered migration agents and the Department of Immigration and Border Protection can provide advice about whether a person in, or at risk of, a forced marriage may be eligible for any other visa in addition to those under the Visa Framework.

c) Referral pathways

As with all other forms of serious exploitation, the AFP is the appropriate first point of referral for forced marriage cases. However, some specialist non-government organisations may also be able to provide advice and assistance to people in, or at risk of, forced marriage. A list of these organisations is at Appendix Two.

Prevention and assistance: Working safely and ethically with people in, or at risk of, forced marriage

The *Guidelines for NGOs: Working with trafficked people* are an important resource that promote the best interests of trafficked people including by emphasising 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 establish 10 principles for working safely and ethically with trafficked people, including those in, or at risk of, forced marriage. These principles are set out below. A full version of the guidelines is available to download on the Attorney-General's Department website at: www.ag.gov.au/humantrafficking.

1. Understand and protect the rights of trafficked people

Organisations should be sure to fully promote and protect human rights of people in, or at risk of, forced marriage in all aspects, without discrimination on the basis of race, religion, sex, gender, sexual orientation, age, disability or other grounds.

2. Always act to protect people's safety

Even once they leave a situation of exploitation, people in, or at risk of, forced marriage may still be in danger. Know how to protect a person's safety in a crisis; take steps to ensure a person's safety is not jeopardised; and consider creating a safety plan.

3. Obtain informed consent

To provide advice or act on someone's behalf, you need their informed consent. Informed consent is when a person freely agrees to a course of action (which may include doing nothing) after receiving and considering all the facts and information they need to make a decision. If the person is a child, they may not be able to provide informed consent. Consider a child's age and relative maturity, seek and listen to their wishes, but always act in their best interests. Be aware of any mandatory reporting obligations in relation to children that may apply in your State or Territory.

4. Provide appropriate referrals

Be aware of the legal rights and entitlements of people in, or at risk of, forced marriage, as well as services that may be available to them such as financial assistance, compensation, and access to the Australia Government's Support for Trafficked People Program and Human Trafficking Visa Framework. Always give people information about their rights, entitlements, and services that can help them as soon as possible. If necessary, consider whether you need to use accredited interpreters or provide information in a person's preferred language. In particular, this should be done when seeking informed consent and when providing information regarding the legal process.

5. Protect privacy and confidentiality

Generally, information about a person in, or at risk of, forced marriage should only be disclosed with that person's informed consent (see Principle 3). Only collect information that is necessary to provide services to the person. Only use personal information for the purposes you collected it. Know the risks of recording information about people in, or at risk of, forced marriage, and keep all records secure.

6. Provide services that are appropriate for the individual

People from diverse backgrounds may experience forced marriage. Know how to provide services that are appropriate for the person's age, sex, gender, culture, and are appropriate if the person has a disability. If the person is from a culturally and linguistically diverse background, consider whether information and services provided are

culturally appropriate and inclusive, including whether an accredited interpreter is required.

7. Provide professional and ethical services

Do not promise help you cannot deliver. Train staff and volunteers on how to provide safe and ethical services to people in, or at risk of, forced marriage.

8. Know how to respond to subpoenas and other requests for information

If served with a subpoena (an enforceable court order to produce documents and/or to attend court and give evidence) get legal advice straight away. Tell the person in, or at risk of, forced marriage that a subpoena has been served. Do not take any further action until you have received legal advice.

9. Know how to support witnesses in court proceedings

The Commonwealth Director of Public Prosecutions (CDPP) provides advice to witnesses about court proceedings. If you accompany a person who has experienced forced marriage to court, do not discuss the case with them if they are to be a witness, or behave in any way which may suggest that you are coaching them when they are giving evidence. After the person has given evidence and been excused by the judge or magistrate, they should not remain in the courtroom. After leaving the court, you and the person should not talk with any other witnesses about the case.

10. Recognise the particular needs of children

The particular physical, psychological and psychosocial harm that may be suffered by people in, or at risk of, forced marriage who are children, and their increased vulnerability to exploitation, means that they may require additional supports to those who are adults. The best interests of the child should be a primary consideration in all decisions or actions that affect the child. Organisations should be aware of relevant mandatory reporting requirements, noting that children have the right to privacy and there is an obligation to protect the child from the arbitrary and unlawful interference with that right.

Case studies

Case study one

- Ayla is a 17 year old high school student in Australia. Ayla's teacher notices that Ayla seems depressed and has taken a lot of time off school for overseas travel. Her teacher also observes that Ayla's family seem to be very strict and controlling. Ayla always has someone with her outside school hours and the teacher has heard from Ayla's classmates that she isn't allowed to go out with friends without a family member going with her.
- When the teacher asks Ayla if she is okay, Ayla says that her parents took her to visit relatives overseas. When they arrived, her parents told Ayla that she would only be able to go back to Australia if she agreed to marry her cousin, who she had never met. With no passport or money, Ayla was forced to marry her cousin overseas so that she could return to Australia. Ayla's parents have also told her that, when she turns 18, she will have to sign migration papers for her cousin so that he can come to Australia to live with her.
- Ayla tells her teacher that she feels like a slave and never wanted to marry her cousin. Ayla says that she feels trapped and is scared about what might happen if she tries to leave. Ayla asks her teacher for help.
- Ayla's teacher contacts the AFP for help. Although Ayla does not want her parents or 'husband' to be prosecuted, the AFP are able to help her access support, including safe accommodation, financial support, legal advice and counselling. As a result of this assistance, Ayla is able to work towards establishing the future she wants for herself.

Case study two

- Lucas is 17 years old and lives in Australia. While in high school, Lucas begins a secret relationship with a girl from outside his community.
- When Lucas' parents discover his relationship they become very angry. Lucas' parents tell him that he has dishonoured his family and forbid him from seeing the young woman again.
- Shortly afterwards, Lucas is told by his parents that they have arranged for him to marry another young woman named Joana, who they believe is better suited for him and belongs to his community group. Lucas is told that if he refuses to marry the young woman his parents have chosen, he will be disowned by his family.
- Although Lucas is not old enough to marry legally in Australia, his parents tell him his age does not matter because they will organise a religious marriage.
- Lucas does not know what to do. Although he does not want to marry the woman his parents have chosen, he also does not want to disgrace his family or to lose them. Lucas feels that he must also respect his parents' authority.

- Lucas decides not to ask his friends or community leaders for help because he feels ashamed about the situation. Lucas is also worried that if he asks for help his parents will find out. Instead, he anonymously contacts *My Blue Sky* by SMS to ask for advice.
- A lawyer from *My Blue Sky* explains to Lucas by SMS that forcing somebody to be married in Australia is against the law. The lawyer also tells Lucas that the Australian Federal Police (AFP) can help him to access support services like counselling and safe accommodation.
- With the help of the lawyer, Lucas contacts the AFP but decides that he does not need any help at this stage. Instead, Lucas talks to his parents and explains that although he respects their authority, they cannot make him get married.
- Lucas's parents disagree with his wish to have a relationship with a girl from outside his community. Lucas tells them that forced marriage is a crime in Australia. After discussing the topic with Lucas, his parents recognise that Lucas cannot be forced to marry someone against his will.

Case study three

- Nikhila is a student in her final year of high school. She usually receives excellent grades and has just begun a relationship with a male student. This young man is from outside Nikhila's community.
- During the year, Nikhila's teachers notice that her academic performance has deteriorated and that she has displayed increasingly high levels of anxiety.
- After the term break, Nikhila does not return to school. Her friends are unable to contact her and her family tells the school that Nikhila has moved interstate.
- The teachers speak with Nikhila's father, who does not seem to be concerned. However, they notice that Nikhila's mother seems upset. Nikhila's boyfriend and friends are also very concerned about Nikhila's welfare.
- Nikhila's teachers have received training about forced marriage from an NGO and seek advice from the AFP.
- The AFP are able to locate Nikhila interstate and discover that she has been made to marry someone from her community and is worried about her safety. The AFP help Nikhila to access support including financial support, legal advice and counselling. The AFP also refer Nikhila to support which assists her to return to live with other members of her family, where she feels safe. Nikhila then returns to school and, with her teachers' help, is able to finish her school year.
- The AFP investigate Nikhila's forced marriage. Nikhila chooses to cooperate with the investigation and her husband and father are prosecuted.

Appendix One – Information about meeting with a person in, or at risk of, a forced marriage

The most important consideration at all times is your safety and the safety of the person you are meeting.

DO

- Read the information available online at: www.ag.gov.au/forcedmarriage and at www.mybluesky.org.au.
- Consider if you need to contact *My Blue Sky* or the Australian Federal Police (AFP) for specialist assistance and advice.
- Read the information available in the *Guidelines for NGOs: Working with trafficked people*, available online at: www.ag.gov.au/humantrafficking.
- Meet with the person alone in a secure and private place where they will not be recognised and will feel comfortable and safe.
 - Where possible, ensure that the person is able to choose the gender and ethnicity of the person who meets with them.
- Consider if an accredited interpreter will be required. If so, consider what gender and ethnicity is appropriate.
 - Ensure that the interpreter and client do not know each other. You also need to carefully check that the interpreter does not have any links to the client's community. Remember that these links may not always be obvious.
- Explain your organisation's confidentiality policy and make it clear that you will not give any information to the person's friends, family or community without their permission except in particular circumstances, including due to mandatory reporting requirements. Ensure you are very clear about the types of situations in which you will have to share information about the person (for example, if their safety is at immediate risk).
 - Ensure that you are familiar with relevant child protection frameworks and mandatory reporting guidelines, which will provide guidance for acting in a child's best interests.
 - Ensure that you always inform the person if information about them is shared.
 - Ensure that you are familiar with and understand the requirements about privacy and sharing information that apply in Australia.
 - Obtain written consent to release the person's information, specifying what can be shared, with whom and for what period of time.
- Let the person know that forced marriage is a crime and that they can contact *My Blue Sky* or the AFP for help. Contact with both *My Blue Sky* and the AFP can be anonymous.

- Attempt to gather as much information as possible as the person may be unable to meet directly with you again.
- Never ignore or disregard the information the person provides (even if they are a child).
- Clearly explain all possible options to the person and recognise and accept their wishes.
- Establish if the person requires any immediate medical treatment, or mental and emotional support.
- Establish if there are any other people at risk (for example other siblings).
- Establish if the person is an Australian citizen or resident.
 - If the person is not an Australian citizen or permanent resident they should seek advice from a registered migration agent or the Department of Immigration and Border Protection about their immigration status.
- Understand the appropriate referral pathways, including the names and contact details of appropriate organisations who are able to provide specialist assistance and support to people in, or at risk of, a forced marriage. Detailed information is available at Appendix Two.

DO NOT

- Attempt to set up a meeting with the person and their family or community members to discuss the situation.
- Attempt to contact family or community members without the express permission of the person.
- Speak to or approach the person if they are in the company of people you do not know and trust.
- Allow family members to be present at meetings.
- Use anyone from the community (including friends, neighbours or community leaders) as an interpreter.
- Make promises that you are unable to keep.
- Give advice that you are not qualified to provide, in particular legal or migration advice.

Appendix Two – Referral pathways

In addition to the Australian Federal Police (AFP), the following specialist non-government organisations may also be able to provide advice and assistance to people in, or at risk of, forced marriage.

My Blue Sky

Call: (02) 9514 8115

SMS: 0481 070 844

Email: help@mybluesky.org.au

Website: www.mybluesky.org.au.

1800 RESPECT (1800 737 732): The National Sexual Assault, Domestic & Family Violence Counselling Service

The National Sexual Assault, Domestic & Family Violence Counselling Service is a confidential telephone and online counselling service, staffed by professional counsellors to assist any person who has experienced, or is at risk of, family and domestic violence and/or sexual assault.

Phone: 1800 RESPECT (1800 737 732)

Email: Online counselling is available through the website listed below.

Website: www.1800respect.org.au.

Anti-Slavery Australia

Anti-Slavery Australia is based in Sydney and provides comprehensive legal advice, representation and assistance to people who are in, or at risk of, a forced marriage.

Phone: 02 9514 9662

Email: antislavery@uts.edu.au

Website: www.antislavery.org.au.

Australian Muslim Women's Centre for Human Rights (AMWCHR)

The AMWCHR is based in Melbourne and works to advance the rights and status of Muslim women in Australia. The AMWCHR provides case work, referrals, secondary consultation and outreach services for people in, or at risk of, a forced marriage.

Phone: 03 9481 3000

Website: www.ausmuslimwomenscentre.org.au.

Australian Red Cross

The Australian Red Cross is a humanitarian organisation dedicated to meeting the needs of vulnerable people in the community.

Email: national_stpp@redcross.org.au

Website: www.dss.gov.au

*The Australian Red Cross is the contracted service provider for the Australian Government's Support for Trafficked People Program. People in, or at risk of, forced marriage can only be referred to the Support Program by the AFP.

Salvation Army

The Salvation Army provides residential and case-management support for people in, or at risk of, a forced marriage.

Phone: 02 9211 5794

Email: endslavery@aue.salvationarmy.org.au

Website: www.endslavery.salvos.org.au.

Family law information

The Family Law Courts National Enquiry Centre

Phone: 1300 352 000

Email: enquiries@familylawcourts.gov.au

Translation services

The Translating and Interpreting Service can be contacted on 131 450

