

**inTOUCH & NATIONAL WOMEN'S SAFETY ALLIANCE
SUBMISSION IN RESPONSE TO:
*ENHANCING CIVIL PROTECTIONS AND REMEDIES FOR
FORCED MARRIAGE - CONSULTATION PAPER***

**inTouch Multicultural Centre Against Family Violence
National Women's Safety Alliance**

October 2024

Acknowledgement of Country

We acknowledge the Aboriginal and Torres Strait Islander peoples as the first inhabitants of this nation and the Traditional Custodians of the land on which we work and live. We pay our respect to their Elders – past and present and acknowledge that sovereignty was never ceded. We express our gratitude for the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and hope that we may move forward together in harmony, in the spirit of healing and in solidarity in their struggle for justice.

Acknowledgement of Victim-Survivors

We acknowledge the countless women who have experienced family violence, in particular women from migrant and refugee backgrounds. We recognise the courageous path they have travelled to rebuild their lives and honour their stories which continue to inspire and drive our work.

Further, we would also like to acknowledge that there are women who are resisting forced marriage in Australia and overseas and we admire their strength and agency.

A Note on Terminology

Across all of inTouch's services and programs, we utilise the inLanguage, inCulture model, emphasising clients' cultural needs. With over 80% of our staff from migrant and refugee backgrounds, they bring an understanding of intersectionality and cultural sensitivity to their work, ensuring clients are paired with case managers who either speak their language or grasp the cultural nuances of family violence and recovery.

Thank you

*inTouch Multicultural Centre Against Family Violence (**inTouch**) and National Women's Safety Alliance (**NWSA**) thank the members of inTouch's NOOR Survivor Advocates group who generously contributed their stories, insights and valuable lessons from their lived experiences of forced marriage to this submission. It is their courage and continued advocacy and leadership that guides our work and strengthens our understanding and contributions to this Inquiry.*

About inTouch

inTouch has provided person-centred, integrated and culturally responsive family violence services to migrant and refugee communities in Victoria since 1984.

inTouch works across the family violence continuum, providing culturally-informed early intervention, case management, legal and migration assistance, perpetrator programs, post-crisis recovery and enhanced capacity-building across the sector and community through our learning and development and project management teams. We are proud to provide high-level leadership and guidance to all levels of government with our evidence-based policy and advocacy work.

Our services are informed by an integrated *inLanguage, inCulture* delivery model and supported by our diverse workforce, which is comprised primarily of people who are migrants and refugees themselves. Our team's unique understanding of culture and the migration journey allows inTouch to deliver expert, specialist case management to our clients in over 20 languages.

inTouch's services include:

- Case management that encompasses a first-hand understanding of the migration journey and unique cultural barriers women may face when seeking assistance for family violence.
- An integrated community legal centre (**inTouch Women's Legal Centre**) working at the intersection of family and migration law - the first multidisciplinary practice in Australia to provide this inclusive service response.
- inSpire, a post-recovery initiative for victim-survivors, focusing on economic independence, social connection and emotional wellbeing.
- A policy, advocacy and research unit that informs government legislation, service provision and is informed by victim-survivors and our services' team.
- Prevention and capacity-building projects and resource development for multicultural communities and the family violence sector.
- A specialised *inLanguage, inCulture* program, Motivation for Change, that works with men who use violence, focusing on impact of migration.
- A comprehensive suite of Learning and Development modules centred and informed by the experiences of victim-survivors and inTouch's specialist expertise working across the family violence continuum.
- NOOR Family Violence Survivor-Advocates, a group of migrant and refugee victim-survivors who influence policy and service provision with lived experience.

For more information, visit www.intouch.org.au email admin@intouch.org.au or call [03 9413 6500](tel:0394136500)

About NSWA

NWSA brings together a diversity of voices, expertise, and experience to inform and guide national policy on women’s safety. The NWSA, established in August 2021, connects the sector, experts, government, and victim-survivors with a shared vision to end violence against women. This will be achieved through consultation, research, and the collaborative development of expert policy advice to government.

More information about NWSA is available on [our website](#).

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Introduction

inTouch and NWSA welcome the opportunity to provide a submission to the Australian Government Attorney-General's Department *Consultation Paper (July 2024) on Enhancing Civil Protections and Remedies for Forced Marriage*.

For over 40 years inTouch has been steadfast in our mission to support migrant and refugee women who have endured family violence. We offer comprehensive case management services that acknowledge and address the unique cultural challenges our clients often encounter when seeking assistance. inTouch also plays a critical role in engaging with people who use violence through our *inLanguage*, *inCulture* programs and early intervention services.

Current community understanding of forced marriage in Australia is often limited and influenced by cultural norms and misconceptions. Many people, including within multicultural communities, may not fully distinguish between forced marriage and arranged marriage, with the latter being a culturally accepted practice involving consent. This confusion can lead to underreporting of forced marriage, as victims may not recognize their experiences as coercive or illegal.

A significant number of women from migrant and refugee communities who have experienced family violence have reported experiencing forced marriage. inTouch has supported these clients to leave their forced marriage, providing case management, migration and other legal support and connecting them to services that ensure their safety, recovery and healing.

Understanding and addressing forced marriage is incredibly complex and must be considered across the continuum of a victim survivor's experience. Attention needs to be given to those who may be at risk of forced marriage, however, many of these marriages take place outside of Australia and without obvious warning of the risk factors indicating a forced marriage is about to occur. It is therefore important that Australia's response to forced marriage includes prevention, education, early intervention and protection, responsive law enforcement, support for those who have experienced forced marriage and co-occurring violence, as well as support for long-term recovery and healing.

inTouch and NWSA support the proposal for enhancing civil protections and remedies for forced marriage with a preference for Option A. In addition to a shared understanding and building education and awareness of forced marriage, progressing Option A must be done carefully with consideration to culturally responsive and trauma-informed risk assessment and risk management, given the potential impacts of reporting on both victim-survivors and their family members.

Delivery of these protections and remedies must also consider the co-occurring abuse that can be experienced by victim survivors of forced marriage including sexual violence, child sexual abuse, dowry abuse and other forms of harmful traditional practices.

This submission seeks to respond to the consultation questions as well as making specific recommendations, aiming to demonstrate the impact of forced marriage on migrant and refugee women and that any options considered to improve national consistency must be culturally responsive. This will ensure that we can ultimately and most importantly enable the ongoing safety and recovery of migrant and refugee women experiencing forced marriage.

Recommendations

While this submission provides responses to questions and makes suggestions for consideration, inTouch and NWSA make the following recommendations:

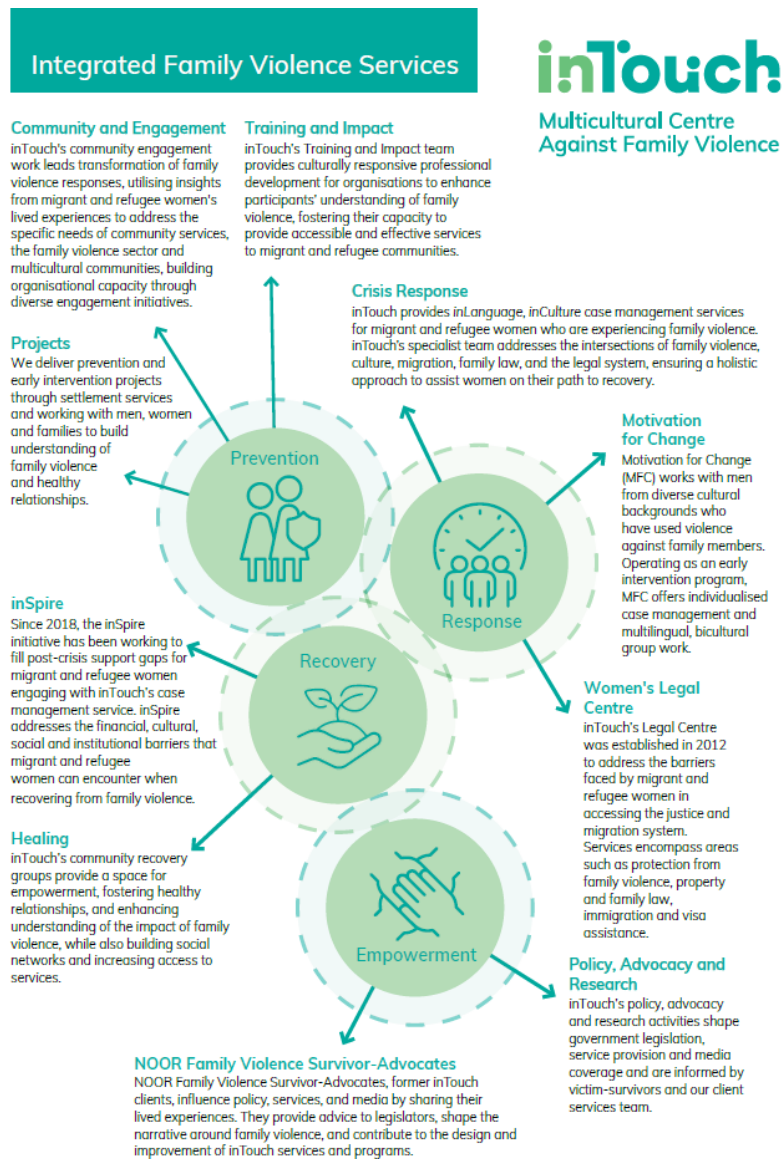
1. Deliver a holistic approach to forced marriage across the continuum of family violence by including a focus on recovery and healing through specialist programs such as inSpire.
2. Invest in localised and community-based approaches to prevent forced marriage by delivering tailored education, training and upskilling for community leaders and organisations. All programs should be co-designed by people with lived experience and communities.
3. Expand funding for local women's rights organisations in Australia's overseas aid program that deliver in-culture public education and policy advocacy on gender equality and forced marriage.
4. Develop a nationally consistent definition of family violence that includes forced marriage with consideration to the current definition in the *Family Violence Protection Act 2008 (Vic)*.
5. Deliver a nationally consistent risk assessment framework that appropriately and safely identifies forced marriage, leveraging the Victorian Multi-Agency Risk Assessment and Management Framework.
6. Embed referral pathways to specialist family violence service providers who can provide in-culture and in-language support.
7. Ensure that sexual violence and child sexual abuse are recognised elements of forced marriage, and ensure that all victim-survivors have access to the care of specialist sexual assault services.
8. Ensure that prevention and early intervention education and awareness addresses the nuance and complex nature of forced marriage, including a clear distinction between arranged marriage and forced marriage, as well as intersections with co-occurring abuse.
9. Provide a specific focus on training and engagement with police to ensure that culturally responsive and trauma informed approaches are applied to improve reporting and disclosure of forced marriage and co-occurring violence.
10. Option A should be progressed as the preferred approach to civil protections for forced marriage with consideration to the suggestions made throughout this submission on the grounds, scope, and other key features of these orders including the barriers faced by migrant and refugee women.
11. Civil protections must be complimented by improved laws around consent, migration support and enhanced prevention and recovery activities including financial support.

12. The shared principles must recognise the impact on multicultural women and children and detail approaches to working in a coordinated way.
13. Where possible, ensure that forced marriage protection orders are heard and determined in Specialist Family Violence Courts.
14. Ensure that interpreters are appropriately and safely engaged at all times where a language barrier has been identified.
15. Consider other remedies including those relating to the Special Provisions under the *Migration Regulations 1994 (Cth)*.
16. Ensure specialist services that are state-based, including inTouch, are funded, resourced and supported to provide in-language and in-culture case management and legal services enabling a holistic and wraparound support to victim survivors of forced marriage. This must also include specialist family violence and sexual assault services that work with multicultural communities to be trained in improved identification and understanding of forced marriage.

Responding to forced marriage at inTouch

Overview

inTouch supports a client group who have highly complex and intersectional needs. On a daily basis, we have the privilege of seeing first-hand how our trauma informed, *inLanguage* and *inCulture* support enables our clients to receive services and rebuild community and connections. Our unique and integrated service delivery not only supports a more effective and efficient process, but also provides a strong foundation for our clients’ healing and recovery, ensuring the best possible outcomes for our clients, their children and their communities.



During the 2022-23 financial year, inTouch demonstrated its commitment to supporting vulnerable women, providing support to 1,495 women and their 1,551 children through direct response services. A further 1,307 people were engaged through prevention and early intervention programs, 701 victim survivors' received legal support through our inTouch Women's Legal Centre and 196 women were supported through our community recovery groups. inTouch also worked with 126 men who used violence through our Motivation for Change program.

Our clients come from 97 different countries and it is critical to acknowledge the unique and significant challenges that our client group faces:

- 91 percent speak a language other than English as their first language, highlighting the importance of providing culturally sensitive and linguistically appropriate services.
- 87 different languages were spoken by inTouch clients in the last financial year, and clients represented people from 98 different countries, demonstrating the diversity of our clients.
- 36 percent reported living with a disability or mental illness, emphasising the need for wraparound supports that adequately take into account these circumstances.
- 44 percent were on temporary visas, demonstrating their vulnerability and lack of stability, driven by the uncertainty about their immigration status.
- 32 percent of inTouch clients overall have lived in Australia for less than 5 years, making it very difficult to navigate a legal system they have limited understanding of.
- 68 percent of our clients are either homeless or at risk of homelessness, underscoring the urgency of addressing housing and stability issues alongside and through legal assistance.
- 69.5 percent of clients are grappling with severe financial disadvantage and 25.6 percent of our clients had nil income at the point of engaging our services.

Our response to forced marriage

There are many inTouch clients who have reported experiencing forced marriage (inTouch’s data shows this is approx. 49% in the 2023/24 financial year, however this is significantly over-reported for reasons discussed later in this submission)¹. As inTouch currently only supports those who are over the age of 18, our contact is primarily with victim-survivors who are accessing our services for response to other forms of family violence. We rarely encounter a young person who may be at risk of forced marriage. Our consultations for this submission, including with a survivor-advocate, confirmed that while forced marriages are uncommon occurrences within Australia, young girls are sometimes taken on overseas trips by their families and only find out that they are engaged into a forced marriage once they are out of Australia. This will be explored further throughout the submission.

In addition to Commonwealth laws that make forced marriage illegal and following the Royal Commission into Family Violence in Victoria, forced marriage has also been included as a form of family violence under the *Family Violence Protection Act 2008 (Vic)* (**the FV Act**). While our clients have already experienced a forced marriage, most of them primarily connect with inTouch to report other forms of family violence and co-occurring violence. Many of our clients do not realise or identify that they are victims of forced marriage. The forms of co-occurring violence that our clients report include:

- *Domestic servitude* - maintaining a house for the husband and his family;
- *Unpaid labour* – forced to work for the husband or his family’s business without a wage.;
- *Dowry abuse* – dowry can be used to coerce or abuse a victim survivor;
- *Sexual violence* – as there is no consent to marry and the relationship is forced, our clients tell us that the sexual activity that occurs throughout the marriage is not freely consented to, which is by definition, sexual violence; and/or
- *Cultural violence* – this can include honour-based abuse and female genital mutilation.

Together with Safe & Equal, inTouch has developed this [tip sheet](#) on forced marriage. This provides further details on co-occurring abuse and how to respond to a victim survivor.

¹ Data captured through MARAM Risk Assessment question ‘Did you have a choice in getting married?’ See page 19 and 20 of this Submission for more information around this issue.

inTouch clients who have been forced into marriage overseas and then brought to Australia, report a complexity of safety and legal challenges including family violence, family law and migration. These women are at high risk due to isolation and language barriers. The experience with our clients has shown that:

- There is an increasing number of Afghan girls and women being married to Afghan men living in Australia. They are commonly from very economically disadvantaged families where the man has paid a large dowry, and the income is needed by the family.
- Other clients are forcefully married outside of Australia, most commonly in Afghanistan, India, Pakistan, Sudan, Somalia, Ethiopia, Syria, Iraq and Turkey.
- Of those clients who have reported experiencing forced marriage, inTouch staff have observed that many were underage girls at the time who were forced to marry someone significantly older and/or with drug dependencies. Sometimes families have falsified the date of birth on their passport to enable the marriage to be considered 'legal'.

It is important to note that many of inTouch's clients have arranged marriages. It can be challenging to determine whether there was a choice to say yes or no and it requires sensitive exploration by case managers and lawyers supporting and working with women, while understanding that arranged marriage in itself is not forced. This will be considered further throughout the submission.

Our unique and integrated service delivery model focuses on addressing the multiple and complex support and legal needs of clients who have experienced forced marriage utilising our *inLanguage* and *inCulture* programs and services.

This is illustrated by the following case study.

Nadia's Story

Nadia lived overseas and had never left her country of birth. When Nadia was 20 years old, her cousin introduced her to Ahmad, a relative of his whose family wanted to find him a wife. Ahmad was much older than Nadia and Nadia's family weren't initially in favour of the match, so Nadia stopped answering his calls and texts. However, some weeks later, Ahmad and his family arrived on the doorstep of Nadia's family home and asked to speak to her mother. Nadia was not allowed to join the conversation. They offered Nadia's mother a large dowry and persuaded her to agree to give up Nadia's hand in marriage. Nadia did not discover this until the following day and was devastated. Within three days, they were engaged and married, despite Nadia's protestations.

One month later, Ahmad moved back to South Australia, where he had been living for some time. Nadia followed a year later, when her Australian visa was granted.

Ahmad raped Nadia on their first night in his house. The following day, he took her to his relatives' house and told them to check that she was no longer a virgin.

Nadia's life in Australia was very miserable. She was expected to stay home alone all day while Ahmad worked and was not allowed any food or money. At night, Ahmad would force her to have sex with him against her will.

One day, Nadia escaped from the house and went for a walk. Ahmad was so angry that he punched and kicked her when he got home. He then left the house for several days, leaving Nadia with no food or money and nowhere to go. She didn't know that she could call the police because in her home country, they would always take the husband's side.

Nadia called a friend, who bought her a ticket to Melbourne. There, she spoke to the police and applied for an IVO. She then sought help with her visa from inTouch Women's Legal Centre. The Department of Home Affairs questioned whether Nadia's marriage was genuine, given the forced nature of the match, so Nadia and the inTouch migration agent had to prepare a large amount of supporting evidence with the application pleading her case to allow her to remain in Australia. Nadia could not go home for fear that she may be killed as punishment for leaving her husband. Eventually, her visa was granted under the family violence provisions, and Nadia now has permanent residency here in Australia.

Ahmad and his family called Nadia regularly to tell her that she must return to the marriage, or they would kill her. Nadia's lawyer at inTouch helped her to obtain an intervention order to stop the harassment and are now assisting her to apply for a divorce.

Proposal for consultation

Consultation Questions

1. Are these effective options to improve nationally consistent responses to forced marriage? Are there different options that should be considered?

Understanding and addressing forced marriage is complex and must be considered across the continuum of a victim survivor's experience. Attention needs to be given to those who may be at risk of forced marriage, however, so many of these marriages take place outside of Australia and without much warning of the risks. It is therefore important that Australia's response to forced marriage includes:

- Prevention and education;
- Early intervention and protection;
- Responsive law enforcement;
- Support for those who have experienced forced marriage and co-occurring violence; and
- Long-term support to enable recovery and healing.

Nationally consistent responses to forced marriage must also understand the nuances and acknowledge the cultural barriers that exist around reporting, help-seeking and accessing services.

While inTouch and NWSA are supportive of the options suggested in the consultation paper (which will be detailed further below), the Commonwealth needs provide a more holistic approach to address forced marriage.

In addition to building understanding, enhancing education and community awareness, and strengthening protection, inTouch suggests consideration be given to the following:

- **Recognising the nuance of forced marriage** – Forced marriage needs to be managed sensitively with harm minimisation centered in the system response. This is due to the complex risks and impacts to victim survivors and their families that can extend beyond Australian jurisdictions.
- **Improved focus on risk identification** – Building an understanding of forced marriage and improving education and awareness raising must be supported by risk assessment and risk management frameworks.
- **Temporary visas and migration** – There must be consideration to the barriers and challenges faced by victim survivors of forced marriage with many requiring legal support with complex migration and visa matters.
- **Focus on Recovery** – It is essential that a holistic response to forced marriage includes recovery and healing. inTouch's inSpire program provides support to migrant and refugee women building their economic independence, social connections and community

engagement, post-crisis case management as well as wellbeing and therapeutic programs. Isolation from family and community is a critical impediment to victim-survivors reporting their experiences of forced marriage and other forms of violence. Programs like inSpire support connections and prevent a victim survivor from returning to a violent relationship. Further information on inSpire can be found via this short [video](#) and on our [website](#).

- **Localised and community-based approaches** – The structure of current national services for forced marriage (including the Forced Marriage Specialist Support Program (FMSSP)) do not enable for the targeted, direct, co-designed engagement that is required to work meaningfully with communities. Prevention and awareness strategies need to take a holistic view of who forced marriage victims are engaging with (such as schools and GPs) and focus efforts in communities to provide tailored education, training and upskilling on Australian laws, support and justice systems.
- **Working with Women’s Rights Organisations** – There is a need to grow funding for local women’s rights organisations in Australia’s overseas aid programs (in countries where forced marriage is prevalent as identified above in this submission) that deliver in-culture public education and policy advocacy on gender equality and forced marriage.
- **Connections with dowry abuse and other forms of harmful traditional practices** – Protections and remedies for forced marriage must be considered in connection with dowry abuse and other forms of harmful traditional practices to ensure that victim survivors receive the holistic support they need to address the complex nature of forced marriage.
- **Acknowledging and addressing sexual abuse and child sexual abuse** - The overlap between forced marriage and sexual assault must be understood, and specialist sexual assault and child protection services must be integrated into all aspects of prevention and response.
- **Learnings from UK Model** – These learnings have indicated that there cannot just be a focus on marriages happening within Australia and there must be a broader view about protecting those happening outside of the country including through the role of the Australian Embassies.

Recommendations:

1. Deliver a holistic approach to forced marriage across the continuum of family violence by including a focus on recovery and healing through specialist programs such as inSpire.
2. Invest in localised and community-based approaches to prevent forced marriage by delivering tailored education, training and upskilling for community leaders and organisations. All programs should be co-designed by people with lived experience and communities.
3. Expand funding for local women’s rights organisations in Australia’s overseas aid program that deliver in-culture public education and policy advocacy on gender equality and forced marriage.

Part 1 - Building a shared understanding of forced marriage as a form of family and domestic violence

Consultation Questions

2. Should forced marriage be recognised as a form of family and domestic violence? Why?
3. What legal, policy changes or additional guidance is needed to better recognise forced marriage as a form of family and domestic violence?
4. What enhancements or additional guidance might be needed to help family and domestic violence services consistently recognise forced marriage as a form of family and domestic violence?

Acknowledging the complexity and nuances of forced marriage is critical in building an understanding of this issue as a form of family violence. inTouch supports forced marriage being recognised as a form of family and domestic violence. However, it is also important to acknowledge that forced marriage is not just a form of family violence, it is also often a form of modern slavery and human trafficking, and this nuance must not be lost. In 2022/23, 28 per cent of human trafficking and slavery cases reported to the Australian Federal Police were forced marriages².

In Victoria, forced marriage is already considered a form of family violence under Section 5 of the FV Act, and we strongly encourage that this becomes the nationally consistent approach. Section 5 defines what might constitute family violence and includes:

- using coercion, threats, physical abuse or emotional or psychological abuse to cause or attempt to cause a person to enter into a marriage;
- using coercion, threats, physical abuse or emotional or psychological abuse to demand or receive dowry, either before or after a marriage.

Forced marriage as a form of family violence, enables victim survivors to access the systems and supports already in place across states and territories. It also recognises the power and control dynamics that exist within the family relationships involved in a forced marriage.

While it is acknowledged that not all forced marriages lead to long-term abusive relationships, many of these marriages are the starting point of coercion and control over the victim survivor. It is for this reason that forced marriage should also be considered a form of coercive control that can enable and facilitate other forms of family and domestic violence including dowry abuse and sexual violence.

² <https://www.afp.gov.au/news-centre/media-release/human-trafficking-reports-continue-increase-australia>

An understanding of forced marriage must acknowledge the role of choice and affirmative consent to marriage. It must also consider the social norms that support, enable and encourage forced marriage, and acknowledge the nuances across and within different cultures.

inTouch and NWSA would also like to acknowledge that there are women who are resisting forced marriage in Australia and overseas and we admire their strength and agency. This should also be used to inform the development of resources in prevention and response. Lived experience must be embedded in prevention activity to ensure it is effective and relevant to victim survivors.

Improved and nationally consistent risk assessment

To improve the identification of forced marriage and enhance the assessment and management of forced marriage in the context of family violence, all jurisdictions require a comprehensive approach to risk assessment.

We consider that Victoria's model of Multi-Agency Risk Assessment and Management (**MARAM**) Framework is a guide for best practice in family violence risk that could be used as a basis for nationally consistent risk assessment. MARAM establishes the foundations for the whole of community to have a shared understanding of family violence, the shared responsibility to identify and manage risk and to ultimately keep people experiencing family violence safe. With a strong focus on intersectionality and cultural safety, MARAM provides for an evidence-based framework to guide a system to better prevent, identify and respond to family violence.

Importantly, MARAM is a legislated framework ([Part 11 of the Family Violence Protection Act 2008](#)) and supported by the *Family Violence Information Sharing Scheme* ([Part 5A of the Family Violence Protection Act 2008](#)). Best practice risk assessment and management must be informed by effective and mandated information sharing.

However, we also strongly recommend that further work needs to be done in addressing the challenges around forced marriage screening and identification within this framework. In the preparation of this submission, we identified that the MARAM risk screening question on forced marriage is open to mis-recording and misinterpretation, and that practitioners across the sector are recording arranged marriage as forced marriage and/or selecting the wrong response option in the MARAM questionnaire. These inaccuracies have over-counted the number of inTouch clients who have experienced forced marriage as 49%.

To enable accurate identification of forced marriage, work is required to the existing risk assessment framework to address and challenge unconscious bias. This work needs to focus on addressing:

- Forced marriage is currently summarised under 'controlling behaviour', along with other forms of cultural violence experienced by a victim survivor. By doing so, it is not categorised as a high-risk factor. We suggest that consideration be given to forced marriage being a high-risk factor due to the power dynamics and coercive control by the spouse and extended family.
- The current question asks 'Did you have a choice about being married?'. There are concerns with the current wording as it is unclear and can lead to misinterpretation as the options

only require a 'yes/no/don't know' response. It can also lead to arranged marriages being recorded as forced marriages without further discussion with the victim survivor as to whether there was agency in that choice.

- Identification could be improved with additional questions relating to whether there was pressure from other people to get married.
- Typically, this question is also only asked of women from multicultural communities and should be asked of all women and children seeking help.

It is important to acknowledge the complexities and differences between arranged marriage and forced marriage, and what that means for accurate identification. There is a lack of awareness among frontline practitioners, even within specialised services, on the difference between an arranged marriage and a forced marriage, and what good practice probing questions to screen for forced marriage look like. We encourage that the expertise of the Australian Women's Muslim Centre for Human Rights and Blue Sky on forced marriage should be leveraged and expanded to support training in this area.

Accurate risk assessment and management has significant implications on our understanding of the extent and nature of forced marriage, including co-occurring abuse. The Family Violence MARAM must also be revised to address the complex nature of sexual violence when it occurs in the context of a forced marriage. We encourage consideration of the recommendations made by SASVic in their [submission](#) to the ALRC Inquiry into Justice Responses to Sexual Violence.

Accurate identification of forced marriage must be followed by the immediate provision of appropriate and specialist supports to ensure that the high and complex needs of victim survivors are met. Identification and specialist responses must be then supported by community engagement and education. This will be further explored in this submission.

Acknowledging sexual violence and child sexual abuse in the context of forced marriage

When considering forced marriage and acknowledging the percentage (56%) of victim survivors are under the age of 18 (as reported in the consultation paper), there must be acknowledgement to the overlap with sexual violence and child sexual abuse.

Building an understanding of a response to forced marriage must address sexual violence and child sexual abuse and we share SASVic's concern outlined in their submission that this component is currently lacking focus in the consultation. Any response to forced marriage must equip those advising victim survivors with policies and procedures that enable information provision on the availability of specialist sexual assault crisis responses and counselling, and to make referrals where needed (see SASVic's submission).

There must also be understanding of affirmative consent and its legal implications. In Victoria, the [Justice Legislation Amendment \(Sexual Offences and Other Matters\) Act 2022](#) commenced in July 2023. These laws provided for an affirmative consent model that requires each individual participating in a sexual act to check and ensure that there is ongoing and mutual consent to a sexual activity. This implies that there is never an assumption of consent. It is important to acknowledge this in the context of a forced marriage.

Responding to child sexual abuse will be considered further in the Supporting Children section of this submission.

Mala's Story

Mala's family chose her husband, a man who Mala had never met before. She didn't have a chance to meet him or get to know him beforehand, but was under significant cultural pressure to go along with the match and so agreed to the marriage. She tried to stay positive despite the circumstances, and hoped to find happiness and love with her new husband.

Mala's husband, Dawood, lives in Australia and applied for a visa for Mala to come and live with him. Mala left behind her family, friends and job to move to Australia and felt very homesick upon her arrival. However, Dawood was unsympathetic, telling her that she needed to get over it.

Dawood regularly mocked and criticised Mala, telling her that she was ugly and that she made too much of a fuss about everything. He told her that she was not good enough and that he had never wanted to marry her, but had gone along with his mother's wishes. In Mala's culture, people strongly disapprove of divorce. Mala tried to make it work despite her unhappiness and isolation. However, Dawood's abuse increased and he started to also regularly sexually assault her. Mala began to feel suicidal.

Mala's Story (continued)

Mala told Dawood how she felt, but he told her that she was whiney and ungrateful. He told her regularly that he would get her deported back to her home country. Mala was terrified, given the social stigma, humiliation and threats of violence that divorced women face there. Dawood e-mailed the Department of Home Affairs and told them that their relationship had broken down. Mala was shocked - as far as she knew, they were still together.

After making this report, Dawood gave Mala an ultimatum of one week to leave the house and return home. All flights were grounded due to the pandemic, and Mala had nowhere to go. A friend took her to a refuge, who provided emergency accommodation and referred her to inTouch Women's Legal Centre. Mala had told the Department of Home Affairs about her situation but they questioned the genuineness of her marriage to Dawood. Mala was terrified that they would revoke her visa and that she would be deported. inTouch assisted her to provide the requested evidence and obtain residency under the family violence provisions. With the help of our lawyers, she was also able to obtain an intervention order against her husband, who had continued his harassment and abuse after she left the home.

Recommendations:

4. Develop a nationally consistent definition of family violence that includes forced marriage with consideration to the current definition in the *Family Violence Protection Act 2008 (Vic)*.
5. Deliver a nationally consistent risk assessment framework that appropriately and safely identifies forced marriage, leveraging the Victorian Multi-Agency Risk Assessment and Management Framework.
6. Embed referral pathways to specialist family violence service providers who can provide in-culture and in-language support.
7. Ensure that sexual violence and child sexual abuse are recognised elements of forced marriage.

Part 2 - Enhancing education and awareness raising

Consultation Questions

5. What topics could education or awareness raising activities focus on?
6. Who should be involved in education and raising awareness in communities affected by forced marriage?
7. Which groups in the community require education and increased awareness of forced marriage (eg. Frontline workers such as police, child protection and/or specific cohorts within the community)?

Culturally responsive education and awareness raising is required

It is critical that information and awareness programs around forced marriage are provided in language and in culture to ensure their relevance and cultural nuance. This is essential to providing a holistic and culturally responsive approach that is required for prevention and response frameworks.

Education and awareness raising efforts around forced marriage and family violence should be complimented by cultural awareness information and training. This should also be addressed across the family violence continuum, with all who are working in family violence (this must include police, courts, lawyers and the broader justice system), having efficient levels of training and guidance on forced marriage and cultural awareness.

An important component of this is to ensure that education and awareness raising activities for frontline workers provides a clear distinction between arranged marriage and forced marriage. Consensual arranged marriage is common in many cultures around the world, and it is necessary to challenge unconscious bias to enable accurate identification of forced marriage.

Topics of Focus

Education and awareness raising activities on forced marriage needs to include the following topics:

- What is forced marriage?
- What is informed consent to marry?
- The difference between arranged marriage and forced marriage and what a spectrum of consent might look like across fully consensual, arranged and forced marriages, including nuances around social and cultural norms and pressures and how they impact agency to provide informed consent.
- Specific education around sexual consent in marriages.
- Underage marriage.

- Australian Forced Marriage legal frameworks and what is expected for families who have migrated to Australia – This is especially relevant where parents continue with traditions from their country of origin, however their children have grown up in Australian systems and education.
- Importance of retaining culture in Australia in line with Human Rights and the law.
- What happens after reporting a forced marriage?
- Respectful relationships.
- Forms of harmful traditional practices including Female Genital Mutilation and Dowry abuse, and where to get specialist support for those experiencing these forms of violence.

inTouch and NWSA suggest exploring the [Honour my Choice](#) education program on Forced Marriage that provides a holistic approach including education, workshops, case management as well as a focus on recovery.

We also see a need to provide information about family violence to those arriving in Australia on spouse visas, especially women, prior to leaving their home country as well as on or soon after arrival and at regular intervals. This includes information on their rights and how to access information and assistance. This could be done in person or through innovative means including in-language online video content and phone check-ins.

Who should be involved?

It is important that a community-based approach is taken to education and awareness training on forced marriage. This allows for tailored in-language and in-culture program delivery, enabling better outcomes for those receiving the information.

inTouch and NWSA suggest the following should be involved:

- Community organisations to facilitate a culturally relevant, localised approach.
- Community, faith and ethno-specific leaders who hold trust through cultural connections. Leaders can play a role in challenging parents and families on forcing their children to marry without their consent.
- Young people to enable a youth-led approach to education and awareness.
- There is also opportunity for survivor advocates to be involved and embedding lived experience into program design and delivery.

Who requires education?

Education and awareness raising activities should be available to a range of community service providers to improve the identification, early intervention and response to forced marriage. It is imperative that there is a focus on frontline workers.

We suggest that the following should be provided with education and awareness raising on forced marriage:

- Community organisations including family violence and specialist sexual assault services.
- Schools – to improve the identification of those at risk of forced marriage and ensure those who raise concerns with teachers about the possibility of being forced to marry are taken seriously
- Religious and faith-based communities as well as community members who can play a role in identifying the signs and providing prevention and early intervention support
- Maternal child health – planning for marriage of children starts when they are very young, so education and information to new parents about expectations and laws in Australia would be beneficial at support prevention activities
- Department of Home Affairs, Department of Social Services and Settlement providers – to support those newly arrived in Australia
- Courts, Police and other Justice system agencies including legal practitioners
- Community based clubs
- Health staff and those who work in hospitals
- Parents and Families.

inTouch and NWSA would strongly recommend a specific focus on training and engagement with police. A lack of culturally responsive, trauma-informed practices and limited understanding by the justice system of the diverse cultural experiences of migrant and refugee women reduces the likelihood of reporting.

Improved practice would require police to be equipped with the skills to recognise that clients from migrant or diverse backgrounds face multiple barriers when it comes to disclosure, which impacts their help-seeking behaviour. A trauma-informed lens would ensure victim survivors reporting sexual violence are given the opportunity to report without delay, listened to with patience, believed and shown empathy.

Our [submission](#) to the ALRC Inquiry into Justice Responses to Sexual Violence provides further details and recommendations.

Maria's Story – this case study is illustrative of our client's experience

Maria met her husband Peter the day before their wedding. He had moved to Melbourne three years before, but travelled to their home country for the ceremony. The match had been arranged between their families and Maria had no choice in the matter. Maria's uncle had the final say in the matter and formally approved the engagement.

Maria moved to Melbourne three months after their wedding. She barely knew Peter when she arrived, and quickly learnt that he was abusive, violent and controlling. Peter would drink to excess most days, which was often followed by physical violence towards Maria.

Maria and Peter lived with Peter's family, who were also abusive towards Maria. They told her that she had been brought over to be their domestic servant, and was forced to cook and clean for them every day. Maria was not allowed to leave the house, or continue with the English lessons she had started on her arrival. They broke her phone and punished her if she tried to talk to her family, in case she told them what was happening.

In addition, Peter's father would regularly sexually harass Maria, creating opportunities for them to be alone so that he could make unwanted advances on her and try to force her to perform sexual acts. When she pushed back, he threatened to kill her with a kitchen knife.

Maria felt extremely stressed and afraid by the physical and mental torture that they subjected her to. However, she was too scared to leave and did not know where to go. Peter's family regularly threatened to deport her if she disobeyed them, and she was frightened of the reaction she would face if she returned home alone, where divorce was strictly taboo.

After about 18 months, Peter's father took her back to their home country for a family wedding, but when we got there, he took away her passport and jewellery to try and stop her from returning to Australia. After a month, he eventually allowed her to return. When Maria arrived back in Melbourne, Peter's family told her she should enrol in English classes again. One day in class, she collapsed from anxiety and stress. The teachers arranged an interpreter and Maria disclosed what was going on at home. The police were called and helped her to seek emergency accommodation. She was referred to inTouch, where she received case management and legal assistance to protect both her personal safety and her residency in Australia.

Recommendations:

8. Ensure that education and awareness training addresses the nuance and complex nature of forced marriage, including a clear distinction between arranged marriage and forced marriage, as well as intersections with co-occurring abuse.
9. Provide a specific focus on training and engagement with police to ensure that culturally responsive and trauma informed approaches are applied to improve reporting and disclosure of forced marriage and co-occurring violence.

Part 3 - Strengthening civil protections and remedies

Consultation Questions

8. Do you think there are gaps in the existing legal protections available to respond and prevent forced marriage in Australia? If so, what are those gaps?
9. This paper discusses two options to strengthen civil legal protections: Option A (enhance existing legislation, possibly through shared principles) and Option B (introduce standalone Commonwealth legislation). Which of these two implementations options would be most effective and why? What are the key risks? Are there other options that should be considered?
10. Under Option A, are there civil protection frameworks alternative to family and domestic violence frameworks that could be used to strengthen forced marriage civil protections?

This section of the submission also responds to Questions 11-29 of the consultation paper and outlines perspectives relating to technical aspects of the proposal, other proposed remedies, risk factors and barriers to seeking support and supporting children.

There is a great need for a holistic approach to forced marriage that addresses its complex nature and nuances across the continuum of a victim survivor's experience. A criminal response is not sufficient and is limiting in prevention, early identification and intervention, as well as opportunities for recovery and healing.

Very few forced marriage clients have pursued or followed through with criminal cases, and some have been withdrawn due to family pressure. Criminalisation can, in a lot of cases, deter victim survivors from coming forward as they do not want their family being prosecuted. These laws are also seen to target cultural groups and can lead to stereotyping and racial profiling.

As mentioned earlier in this submission, there also needs to be a greater focus on consent laws including affirmative consent, given that sexual violence is an aspect of many forced marriages.

inTouch and NWSA consider that there is a need for civil protections against forced marriage, but this must be complimented by improved laws around consent, migration support and enhanced prevention and recovery activities including financial support.

Many of our clients require support for a range of legal and support needs and access to specialised support for forced marriage is essential for victim survivors. These clients require advice and advocacy around co-occurring abuse including family violence, ensuring their ongoing safety,

migration legal needs, and financial support. Specialist and localised services like inTouch can provide the breadth of service response that is required for a victim survivor of forced marriage and this must be considered a key component to improving the existing service response.

Equally important is that the justice system, including police, must take issues of forced marriage seriously. There are currently significant levels of under-reporting and improving the police response could assist with this.

We also recommend that specialist training should be provided to all agencies and parties involved within the justice system including:

- emotional and psychological forms of coercing to marry;
- affirmative consent and its application to forced marriage findings;
- co-occurring forms of violence;
- identifying differences between forced and arranged marriages;
- impacts of trauma and disability on witness testimony; and
- dismantling prevalent socio-cultural myths and stereotypes about the role of culture and tradition in specific forms of violence and abuse.

Finally, we endorse the recommendations of SASVic that victim survivors of forced marriage should have ready access to a crisis response where they have experienced sexual assault, including a well-informed response from specialist sexual assault police units.

Option A will lead to safe, effective and streamlined responses for victim survivors

Having considered both proposals outlined in the consultation paper, we support Option A, which we believe will lead to a safe, effective and streamlined approach to forced marriage.

Option A provides a simplified approach to seeking protection. inTouch and NWSA make this recommendation for the following reasons:

- As detailed in this submission, many victim survivors who have reported experiencing forced marriage also experience co-occurring violence. They will likely also need broader protection from family violence at the same time, and it would be ineffective to have victim survivors seeking protection through two separate avenues. Aligning to the existing family violence protection frameworks will address this.
- There is an opportunity to enhance the existing state-based legislation with the development and introduction of shared national principles. Learnings can be made from the recent development of the National Principles on Coercive Control which create a shared understanding and guidance for states and territories on best practice responses.
- The shared principles must be culturally responsive recognising the impact of forced marriage on women and children.
- These principles must also detail approaches for systems to work in a coordinated and integrated way to ensure the most appropriate responses and supports are provided.
- It will be important to leverage existing best practice legislative principles and standards. Victoria is well-progressed in this space, and there is opportunity to draw on this work to enable a comprehensive, risk-responsive approach.

- The approach in Option A must ensure alignment across states and territories and be supported by the National Domestic Violence Order Scheme which is already embedded in state-based family violence protection legislation.
- Integration with state and territory systems will enable these matters to be heard in fit for purpose courts, including Specialist Family Violence Courts in Victoria. It is critical that these matters are heard and determined by judicial officers with specialist training and nuanced understanding of the dynamics of forced marriage and family violence.

We also suggest consideration of our [submission](#) on Family Violence Orders for further detail on the challenges with hearing these matters in Commonwealth Courts.

Grounds for Orders

We would support the grounds for orders to be consistent with the Victorian FV Act. Section 53 of the FV Act details the current reasons for making an order which include ensuring the safety of the victim survivor, their children and to protect their property. We consider that this could be built upon and expanded to include some of the suggestions in the consultation paper including risk of being taken overseas.

Scope for Orders

Similar to the above, inTouch and NWSA would support the scope for orders to be consistent with the Victorian FV Act. Section 81 of the FV Act describes some of the conditions that may be included in an order. These conditions could be expanded to explicitly prohibit the respondent from facilitating a forced marriage, which would include both civil/legal ceremonies as well as religious or customary ceremonies, and prohibit the removal of a protected person from Australia (e.g. including airport watch list alerts and port alerts). We are supportive of the suggestions in the consultation paper, in particular, the condition that would prevent a respondent from causing another person to undertake conduct that is prohibited in the order.

When considering the scope for orders it is important to be mindful of the potential risks and unintended consequences of racial profiling around the operationalisation of these orders.

Applicants

For those who are at risk of or have experienced a forced marriage, there can be a lack of access to community and social supports. Having a limit on who can apply for an order could increase the risk and reduce the likelihood that more people can apply. We support a system that would enable applicants to be:

- a) the person who is to be protected by the order
- b) a relevant third party (e.g. the police and or child protection)
- c) any other person with the permission of the court

We are supportive of the potential list of applicants for orders as suggested in the consultation paper, however, would recommend consideration of expanding this list further, particularly when it

relates to children under the age of 18. In Victoria, section 45 of the FV Act also allows for any person with leave of the court to apply on behalf of a child. Further, it enables a child over the age of 14 to apply on their own behalf with leave of the court.

Respondents

Due to the complex family dynamics that exist for victim survivors of forced marriage, there should be no limit on who can be a respondent for an order. In many circumstances, family members, family friends and associates and the broader community could be involved in the coercion. The definition of who can be a respondent must be expansive to consider the cultural contexts of victim survivors. It is also important to consider that family associates and, in some instances, neighbours can be involved in dowry negotiations and therefore potentially a party to the coercion of the forced marriage.

Victim survivor agency

Victim survivor agency is of most importance, and they must be supported throughout the entire process. Providing access to specialist support and services before, during and after the court process is critical. Hearing these matters in Specialist Family Violence Courts can assist in providing the level of support required to manage the nuance of forced marriage, including addressing potential risks of coercion by the family throughout the process.

Police and the Courts need to have the skills to engage effectively with victim survivors and safely and appropriately engage interpreters when required. Victim survivors must be supported and feel safe to report breaches to build trust in the system that these orders will be effectively enforced.

Victim survivors will also need support and legal advice through the legal process including information to understand the kinds of evidence required in Court, what information will be required by the Court so that they are prepared and reduce risk to their credibility.

Courtroom protections and assistance through the legal process

Forced marriage victim survivors require holistic and wraparound support from a range of services to meet their legal and support needs. This can include family and migration legal matters, family and sexual violence support and case management. It is essential that these supports are also available and accessible throughout the court process. Access to specialist legal support is essential in understanding the complex intersection of migration law, family violence and forced marriage.

As previously mentioned, in Victoria Specialist Family Violence Courts provide an accessible and safe environment to hear matters relating to forced marriage. Specially trained magistrates, court staff and family violence practitioners are an essential element. Ensuring that information and support can be provided in-language and in-culture is also important to enable the safety and protection of the victim survivor.

Many of our clients have language barriers and having access to interpreters is critical when seeking support and protection. When it comes to matters of family violence, services must safely and appropriately engage interpreters.

Although police and courts are required to engage interpreters when a language barrier is identified, there are many occasions where this does not occur. Often family members or even the perpetrator are asked to act as an interpreter between law enforcement and the victim survivor.

Similarly, there are many instances where interpreters are not engaged in court processes and victim survivors must rely on a friend or acquaintance to interpret and explain complex court procedures.

It is essential that victim survivors have access to in-language information, as soon as a report is made to the justice system and appropriate engagement and use of interpreters is essential. This requires:

- patience towards the person requiring interpreters' assistance (anecdotally, victim survivors report observing frustration and impatience from system actors when requiring an interpreter due to the additional time and use of resources)
- consideration of gender-preference for interpreters and engagement of in-person interpreters as a priority.

In Victoria, services are guided by the Victorian Government Working with Interpreters Guidelines that consider how to effectively engage interpreters in critical contexts. While these are useful starting point, there is an opportunity review and ensure that these adequately cover interpreting matters involving forced marriage.

Interim orders and ex-parte hearings

inTouch and NWSA would support a consistent approach to interim orders and ex-parte hearings to that outlined in the Victorian FV Act.

Service, enforcement and breaches

In Victoria, section 202A of the FV Act details the provisions relating to service of orders. There are provisions that enable alternative service in the first instance. The Court may make an order for service other than personal service (for example, by email or leaving it at an address) if it will bring the document to the attention of the respondent and not pose an unacceptable risk to the protected person.

inTouch and NWSA would be supportive of a similar approach being taken for these orders to ensure that service can be met regardless of if they are avoiding service or are overseas.

Finally, the scope of the Orders should consider how breaches and enforcement of these orders will be addressed by the Court. We recommend that a careful review of the UK model including consideration of both civil and criminal consequences.

Other Remedies

As noted throughout this submission, it is critical to not just address the safety concerns of the victim survivor but there must also be a focus on wellbeing and connection to community. Access to holistic and wrap around supports can ensure ongoing safety and enable recovery and healing.

It is also critical that consideration be given to expanding the current provisions for temporary visa holders who have experienced forced marriage and family violence. inTouch and NWSA would recommend a new visa subclass be considered for women who are on other visa streams including student, visitor and temporary work visas, which would enable them to have access to crucial support services. The existing Special provisions for family violence in the *Migration Regulations 1994* (Cth) should also be expanded to include extended family members as perpetrators.

Further information on these remedies to consider can be found in our [position paper](#) on Forced Marriage in Australia.

With regards to experiences with Declaration of Nullity, we understand that in some faiths such as Islamic faith, a forced marriage is not considered a marriage and a women should be able to get the forced marriage nullified without having to go through a religious divorce process (for example, the Board of Imams). However, we appreciate that this may not always be the case in other communities. inTouch provides 'Divorce Clinics' and acknowledges how difficult the process of divorce can be for our clients. We would be supportive of any process that would nullify any marriage as quickly as possible. This is essential for a victim survivors' recovery and healing within the community.

Risk factors and barriers to seeking support

Migrant and refugee women who are at risk of or have experienced forced marriage face **significant barriers when it comes to seeking support and reporting abuse**. A system that is over-complicated, has a lack of understanding and puts the burden on the victim survivor, exacerbates these barriers and makes it incredibly difficult for women and children to seek help, protection and safety. inTouch clients have reported a non-exhaustive list of challenges including language, cultural barriers and misidentification. These barriers are similar to those experienced by victim survivors of family and sexual violence. Further details on these barriers can be found in our other submissions previously referenced in this submission (Justice Responses to Sexual Violence and Family Violence Orders).

Victim survivors of forced marriage are typically unsupported to act against the cultural norms and social sanctions that are not well understood in or addressed by western systems. There needs to be choice and control over decision making when it comes to leaving a forced marriage and seeking support, however, this is incredibly difficult for victim survivors who can be faced with shame, isolation and loss of family and community support networks.

For those who are at risk of forced marriage, there are additional considerations when it comes to risk factors and barriers to seeking support, including:

- The role of adolescent girls, who have limited authority in decisions made by their families – This is compounded by financial arrangements, cultural traditions and respect in honouring family decisions about who a girl is to marry with no option to decline.
- Young girls can be taken on overseas trips by their families and only find out they are engaged once they are there. They often have no knowledge about this to take preventative action and can be isolated in an unfamiliar country with no support to oppose the marriage.

- Limited education in schools for adolescent girls about the risk of forced marriage and the importance of consent.
- Forged date of birth details in passports and official documents which prevent authorities from detecting underage and forced marriage.

“Marriage is presented to adolescent girls as a fairytale with no disadvantages; there is no information about risks and challenges, so they are coerced into it without informed consent”.

– *NOOR survivor advocate*

There must be deep consideration and understanding of the cultural barriers that exist for many who are at risk or have experienced forced marriage. These include:

- *Dowry* – This can happen when a victim survivor’s family are unable to meet the full dowry demands, and it can be used as an excuse to subject the victim survivor to control and abuse. The requirement to repay dowry in the case of divorce or separation keeps women in forced and abusive marriages.
- *Cultural norms and stigma* – There is a fear of bringing shame on the family and the stigma associated with being a divorcee. In some cultures, forced marriages are with men at least 10 years older, and this contributes to a power dynamic of authority that prevents the victim survivor from challenging the husband.
- *Honour-based abuse* – While not common in Australia, this can be perpetrated as punishment for women who transgress social norms and expectations, such as refusing marriage or divorcing – This can include in some instances, honour killing which is practiced in some places (for example Iran, Iraq).
- *Threats to victim survivor and her family* – There is a risk of threats to a victim survivor and/or her family in Australia or overseas if she chose to leave the marriage. Some clients experience intense fear that the husband’s family will cause harm to a victim survivor’s family. These threats can also be used actively to prevent any resistance to the oppression the victim survivor faces in the relationship.
- *Influence of extended family or broader community in exerting pressure and threats* – Some clients have also reported families involving outside organisations to threaten to cause harm to the victim survivor and/or their family.
- *Living arrangements* – Forced marriage may involve a victim survivor living with extended family (usually the husband’s) and can result in multiple members of the family using violence against the victim survivor.
- *Temporary visas* – victim survivors hold fear of losing their or their husband’s immigration status. There is further exacerbated by a heavy reliance on the husband for basic needs with their visa status making them ineligible to access basic support services required to leave a forced marriage (including housing, Medicare and Centrelink). There are also requirements in the Special Family Violence Provisions mentioned previously in this submission relating to a ‘genuine relationship’ before access to these support services can be provided.

These risks and barriers are further compounded for LGBTQIA+ people. There is immense pressure from the family, along with the threat of shame and an increased risk to safety which prohibit a person from seeking help.

Supporting children

Given the percentage of those who are at risk of experiencing a forced marriage are children, it is of utmost importance that there is acknowledgement of forced marriage as a form of child abuse and child sexual abuse.

There needs to be strong integration with child protection and child sexual abuse services, and these services must be involved in preventing and responding to forced marriage.

While inTouch acknowledges that more work needs to be done in the response to children at risk of forced marriage, our current service offering is targeted to those 18 years and older. We do however see clients who have just turned 18, who were forced into marriage at the age of 16 and we provide a coordinated and specialised approach to supporting these clients.

Faida's Story – this case study is illustrative of our client's experience

Faida and Asif grew up in the same village in Iran, but Asif and his family moved to Australia around 10 years ago. In 2018, their families decided that Faida and Asif would get married. Faida had no choice in the marriage, which was arranged without her knowledge or consent. Because Faida's family were poor, there was a strong financial motivation for them, as they would receive a substantial dowry in return for Faida's hand in marriage. Faida was forced to go along with the marriage, even though she didn't want to.

After their wedding, Asif told Faida that she had to quit her English studies, telling her that she could resume them when she moved to Australia. However, when she arrived on a partner visa, she was brought to Asif's family home, where she was forced to cook and clean for around 19 people who lived there. She wasn't allowed to leave the house or return to her previous studies. Asif treated her like a slave, demanding she carry out domestic work all day, and throwing the meals she cooked him on the floor if they were not to his taste. He also regularly forced her to have sex with him against her will and physically assaulted her if he did not get his way. Faida felt alone, scared and miserable.

One day, Asif told Faida that she must move out. After he left, his parents informed Faida that he was divorcing her and that they had booked her a ticket to Iran that evening. When Faida arrived home, her father and uncle were furious with her for coming back. Faida felt alone and ashamed, in a culture where it is not acceptable to be a divorced woman. Over the next few days, she received threats from her male relatives and began to fear for her life. She sought help from the Australian embassy and with the help of inTouch Women's Legal Centre, was able to return to Australia to apply for a permanent visa.

Recommendations:

10. Option A should be progressed as the preferred approach to civil protections for forced marriage with consideration to the suggestions made throughout this submission on the grounds, scope, and other key features of these orders including the barriers faced by migrant and refugee women.
11. Civil protections must be complimented by improved laws around consent, migration support and enhanced prevention and recovery activities including financial support.
12. The shared principles must recognise the impact on multicultural women and children and detail approaches to working in a coordinated way.
13. Where possible, ensure that forced marriage protection orders are heard and determined in Specialist Family Violence Courts.
14. Ensure that interpreters and appropriately and safely engaged at all times where a language barrier has been identified.
15. Consider other remedies including those relating to the Special Provisions under the *Migration Regulations 1994 (Cth)*.
16. Ensure specialist services that are state-based, including inTouch, are funded, resourced and supported to provide in-language and in-culture case management and legal services enabling a holistic and wraparound support to victim survivors of forced marriage. This must also include specialist family violence and sexual assault services that work with multicultural communities to be trained in improved identification and understanding of forced marriage.

Contact

Felicity Fast
Executive Manager, Government, Corporate Relations and Growth
inTouch Multicultural Centre Against Family Violence
felicityf@intouch.org.au

GPO Box 2905
Melbourne Victoria 3001
03 9413 6500
admin@intouch.org.au
www.intouch.org.au

**If you are experiencing family violence and need immediate support,
please call 1800 RESPECT on 1800 737 328**