

# The Right to Refuse:

EXAMINING FORCED MARRIAGE IN AUSTRALIA



## Project Fact Sheet

*The Right to Refuse* is an action research project by Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good Shepherd Australia New Zealand.

This sheet outlines some of the key facts that the project found about forced marriage in Australia.

### **A marriage is forced if it is entered into without free and full consent**

In Australia, the law says that a forced marriage happens when a person enters into a marriage without freely and fully consenting, because of the use of coercion, threat or deception.

The general rule is that people under the age of 18 are minors who cannot consent to marriage. If an Australian minor is married in an overseas country that has a lower age of consent, this could be considered a forced marriage.

### **Forced marriage is against the law in Australia**

The law protects people who are forced into marriage in Australia (including Australian citizens and other nationals). It also protects Australian citizens who are taken overseas and married against their will.

The law says that people have committed the crime of forced marriage if they:

- have caused a person to enter into a forced marriage, or
- are a party to the forced marriage (this offence only applies to the perpetrator, not the victim).

A person who has committed the crime of forced marriage can be put in prison for up to seven years.

For more information, see section 270.7A of the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* (Commonwealth).

### **Forced marriage is different to arranged marriage**

It is important to understand that forced marriage and arranged marriage are two different practices.

Forced marriage is against the law in Australia. It is not condoned by any major world religion.

Arranged marriage is a lawful practice where families take a lead role in choosing the people to be wed. However, the decision to accept – or refuse – the arrangement remains with the potential partners. The potential partners should also be given accurate information about the person they are to marry.

## Women and girls are most affected

The majority of victims of forced marriage are women and girls – particularly young women. Men and boys can also be victims of forced marriage. However, women are affected by this problem to a far greater degree and with more intensity.

## This problem happens all over the world

No country is immune to the problem of forced marriage, including Australia. Forced marriage is a problem that affects women and girls in our own community.

## A human rights issue, not a cultural issue

Forced marriage is a practice that affects women and girls from many different backgrounds, all over the world. For this reason, forced marriage should be understood as a human rights issue and not a cultural issue.

## Forced marriage is harmful

Forced marriage can have a range of negative consequences for victims, such as:

- violence (including physical, sexual, emotional and economic abuse)
- social isolation
- denial of education
- economic insecurity
- loss of childhood / adolescence
- early or forced pregnancy and childbirth
- kidnapping / abduction
- servitude
- imprisonment
- mental health problems, including depression, self-harm, suicidal ideation
- death (through suicide or being killed for trying to leave the marriage, for example).

## The way forward

*The Right to Refuse* found that we can better address and prevent forced marriage through initiatives such as:

- education about forced marriage in the community and in schools
- a holistic service that supports women who have complex and multiple needs, including forced marriage
- a coalition on forced marriage
- capacity building in the domestic violence sector to better understand and address the issue
- a forced marriage hotline
- support for schools and TAFE Colleges in addressing this problem
- supporting communities to develop their own solutions
- research on the prevalence and manifestation of forced marriage in Australia.

While all these initiatives are important, education is the key to preventing forced marriage.

## Where to go for help

If you know someone who is at risk of experiencing forced marriage, or has experienced forced marriage, you can contact the Australian Red Cross on [national\\_stpp@redcross.org.au](mailto:national_stpp@redcross.org.au). You can also contact the Australian Federal Police on **131 444** or via your local police station. In case of an emergency, or if the situation is violent or involves a child, call the police on 000.

## More information

To find out more about *The Right to Refuse* project, go to our websites: <http://www.goodshepvic.org.au/spru> or <http://www.dvvic.org.au>.

