



**HARMONY ALLIANCE**  
MIGRANT & REFUGEE WOMEN FOR CHANGE

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**Submission in Response to Consultation on  
Enhancing Civil Protections and Remedies for Forced Marriage**

Harmony Alliance welcomes the opportunity to submit a response to the Attorney General's Department regarding the consultation on Enhancing Civil Protections and Remedies for Forced Marriage. In this submission, we address several of the specific topics provided by the Department to guide this process:

- **Building a shared understand of forced marriage as a form of family and domestic violence**
- **Enhancing education and awareness raising**
- **Risk factors and barriers to seeking support**

**About Harmony Alliance**

Harmony Alliance: Migrant and Refugee Women for Change is one of the six National Women's Alliances supported by the Australian Government to promote the views of all Australian women and to ensure their voices are heard in decision-making processes.

Harmony Alliance's purpose is to provide a national inclusive, and informed voice on the multiplicity of issues impacting on experiences and outcomes of migrant and refugee



women, and to enable opportunities for women from migrant and refugee backgrounds to directly engage in driving positive change.

The Harmony Alliance membership comprises over 180 organisations<sup>1</sup> and individuals representing and/or working for the advancement and inclusion of migrant and refugee women. We acknowledge the diversity of experiences of women from migrant and refugee backgrounds and recognise the inherent value of each person, of all backgrounds, genders, ages, abilities, social standings, sexual orientations, or religions. We promote the principles of dignity, equality, autonomy, non-discrimination, and mutual respect.

## **Part 1. Building a shared understanding of forced marriage as a form of family and domestic violence**

### **Question 2. Should forced marriage be recognised as a form of domestic and family violence (DFV)? Why?**

- Service providers should approach this issue as a form of domestic and family violence (DFV), while being careful not to perpetuate racist stereotypes about migrant communities.<sup>2</sup>
- Forced marriage lacks national recognition as a form of DFV, victims on certain visas are left without adequate protection.<sup>3</sup>

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<sup>1</sup> Harmony Alliance (2023) *Submission in response to International Gender Equality Strategy*

<sup>2</sup> Quek, K. (2013). A Civil Rather Than Criminal Offence? Forced Marriage, Harm and the Politics of Multiculturalism in the UK. *The British Journal of Politics and International Relations*, 15(4), 626-646. <https://doi.org/10.1111/j.1467-856X.2012.00525.x>

<sup>3</sup> Federation of Ethnic Communities' Councils of Australia (FECCA). (2019). *Forced Marriage in Australia: A Literature Review*. <https://fecca.org.au/wp-content/uploads/2020/01/FECCA-Literature-Review-on-Forced-Marriages.pdf>



- Recognising forced marriage as DFV also highlights issues that make women and girls vulnerable, such as discriminatory marriage laws and inadequate legal protections.<sup>4</sup>

### **Question 3. What legal, policy changes or additional guidance are needed to better recognise forced marriage as a form of family and domestic violence?**

Any changes or approaches should be:

- **Intersectional** - Recognise how factors like race, disability, sexual orientation, and immigration status can increase vulnerability to forced marriage and limit personal freedoms.<sup>5</sup> For instance, considering cases where individuals with physical or intellectual disabilities may have limited capacity to provide or withhold consent for marriage.
- **Include input from survivors** as this can inform strategies to improve prevention, education, frontline response training, victim support, and policy reform.<sup>6</sup>

### **Part 2. Enhancing education and awareness raising**

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<sup>3</sup> Simmons, F., & Wong, G. (2021). [Learning from lived experience: Australia's legal response to forced marriage.](#)

<sup>5</sup> Harmony Alliance. (2020). *Position Statement on Intersectionality.* <https://www.harmonyalliance.org.au/wp-content/uploads/2023/08/Intersectionality-Position-Statement-Final.pdf>

<sup>6</sup> Simmons, F., & Wong, G. (2021). [Learning from lived experience: Australia's legal response to forced marriage.](#)



**Question 5. What topics could education or awareness raising activities focus on?**

- **Understanding forced marriage:** Definition, signs, and effects of forced marriage, including how it differs from arranged marriages.
  - This should also cover details on accessing confidential support in different languages, created with the input of community members and shared through their common channels.
  - It is essential to recognise that child marriage is a form of forced marriage, particularly for those working with minors.
- **Legal rights and protections:** Information on legal safeguards for individuals at-risk of or affected by forced marriage. Criminalising forced marriage may result in increased prosecution rates.<sup>7</sup>
- **Support services:** Information on available supports and how to access them, including helplines, legal aid, and counselling specifically for survivors of forced marriage.
- **Cultural sensitivity:** Understanding the cultural contexts and challenges faced by CALD communities, especially migrant and refugee women in relation to forced marriage.
  - Acknowledge that forced marriage is not a 'cultural practice'<sup>8</sup>
  - Implement culturally appropriate strategies for achieving financial independence to prevent families (especially young women) from depending on forced marriages.

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<sup>7</sup> Simmons, F., & Wong, G. (2021). Learning from Lived Experience: Australia's Legal Response to Forced Marriage. *University of New South Wales Law Journal*, 44(4). <https://doi.org/10.53637/yjys9724>

<sup>8</sup> Centre for Multicultural Youth. (2016). Forced Marriage: Good Practice guide. In *Centre for Multicultural Youth / Unaccompanied Young Adults / Policy Paper*. [https://www.cmy.net.au/wp-content/uploads/2020/02/Forced-Marriage\\_Good-Practice-Guide\\_2016.pdf](https://www.cmy.net.au/wp-content/uploads/2020/02/Forced-Marriage_Good-Practice-Guide_2016.pdf)



**Question 7. Which groups in the community require education and increased awareness of forced marriage?**

Key participants should include:

- **Educational institutions:** Schools and universities play a crucial role in teaching young people about healthy relationships, consent, forced marriage, and their rights. Teachers should be trained to identify signs that students might be at-risk of forced marriage or suffering consequences from refusing one, enabling them to support early intervention or prevention efforts.
- **Parents and guardians:** Parents play a critical role in preventing forced marriage. Educational programs should be developed to inform parents about the signs of potential coercion and the importance of open communication regarding relationships. Children should also have access to educational worksheets and information that they can bring home from school to share with their parents. Workshops, informational sessions, and community outreach can empower parents with knowledge and resources to support their children. Additionally, resources should be made available in multiple languages to ensure accessibility for all families.
  - There is often cultural significance attached to arranging marriages, which can complicate the identification of forced marriages.
  - A thoughtful approach is necessary to address this practice, involving careful dialogue and potentially finding balanced solutions.
- **Religious institutions:** Religious leaders and communities can play a significant role in shaping attitudes and behaviours. Their involvement is crucial for education and awareness-raising efforts, especially in addressing misconceptions and cultural stigmas associated with forced marriage.
- **Government institutions:** Government institutions should be supported to develop stronger cultural competencies, as individuals at risk of forced marriage often face



challenges in the justice system, including language barriers, cultural stigma, and distrust of authorities.

- To enhance prevention efforts, during the visa and citizenship application processes, provisions should be made for in-language fact sheets that educate applicants about the legal minimum age for marriage in Australia, which is 18. Additionally, training for immigration officials on recognising signs of potential forced marriages can help identify at-risk individuals early.
  - With only 35 countries adhering to the joint committees of CEDAW and CRC by setting 18 as the minimum marriage age, it becomes crucial for governments to take proactive steps to prevent forced marriages and ensure the safety of vulnerable individuals.<sup>9</sup>
- **Healthcare providers:** Integrate awareness and training into healthcare settings where individuals may seek help or disclose abuse or presence of risk factors.
  - **Local government:** Provide resources including where and how to access support services, develop programs for families, and ensure protections are in place.
  - **Non-governmental organisations:** Those working with individuals vulnerable to forced marriage often have the community's trust and can tailor messages to reach at-risk groups. Additionally, developing personalised safety plans with civil society organisations can be pivotal in helping individuals leave dangerous situations. These plans should be discreet, culturally sensitive, and provide clear steps for accessing safe housing, legal assistance, and emotional support.

### Part 3. Strengthening civil protections and remedies

**Question 26. What are the risks and barriers for seeking support for people at-risk of or in a forced marriage? What strategies could be considered to address these?**

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<sup>9</sup> *Global estimates of modern slavery: forced labour and forced marriage. (2022).*



- People at-risk of forced marriage may struggle to identify their situation due to:
  - Limited understanding of what forced marriage is or their rights
  - Reluctance to apply terms like "forced marriage" or "family violence" to their loved ones' actions
  - Feeling of powerlessness and hopelessness
  - Reluctance of implicating family members
  - Not being of a developmental stage to make an adult decision
  - Pressure to conform (to cultural or traditional expectations)
  - Fear for their safety and future
  - Distrust of authorities

## Risks and Barriers

- **Lack of information:** This includes problems with language, confusing legal processes, and unfair treatment.<sup>10</sup>
  - **Economic dependence:** Individuals without financial autonomy may struggle to seek assistance, access support services, or escape situations of forced marriage.
  - **Fear of retaliation:** Individuals who flee from forced marriages may fear violent repercussions if they seek assistance, or ostracization from community.
  - **Reluctance to use or absence of terminology:** Some individuals may be unwilling to label their situation as "forced marriage" or "family violence," or they may hesitate to report their loved ones. Additionally, the definitions or vocabulary might not be well understood in their language, hindering recognition that their experiences qualify as 'forced marriage' or a human rights violation.

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<sup>10</sup> InTouch, 2010 'I lived in fear because I knew nothing: Barriers to the Justice System faced by CALD Women Experiencing Family Violence' *InTouch: Melbourne*. <https://apo.org.au/sites/default/files/resource-files/2011-04/apo-nid23410.pdf>



- **Stigma and shame:** Fear of ostracism and associated shame may prevent people from speaking out about forced marriage.
- **Lack of trust in officials:** Some may not trust authorities or government agencies so may refrain from disclosure.
- **Legal and immigration concerns:** Issues regarding visas or legal status may deter individuals from seeking assistance. For example, a woman on a temporary visa may opt to stay silent to avoid potential risks such as deportation, abuse, or the possibility of her application to stay in Australia being revoked, particularly if children are present.
  - The current visa regulations demand that human trafficking victims cooperate with law enforcement, which can be difficult. <sup>11</sup>

## Strategies

- **Confidentiality:** Ensure support services maintain the privacy of individuals and safeguard the information of those seeking assistance.
- **Storytelling:** Resources created with individuals who have firsthand experience, sharing practical accounts of early intervention and the challenges they've faced.
- **Cultural awareness and sensitivity:** Provide assistance in multiple languages and train staff to recognise and respect cultural differences.
- **Education:** Raise public awareness about forced marriage, available support services, and where to seek help. This can reduce stigma and foster a deeper understanding of the issue.

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<sup>11</sup> Harmony Alliance. (2021). *Situation Analysis: Migrant and refugee women's experiences of policing and good practice in police responses*. [https://www.harmonyalliance.org.au/wp-content/uploads/2023/08/HarmonyAlliance\\_Policing\\_Situation\\_Analysis\\_Final.pdf](https://www.harmonyalliance.org.au/wp-content/uploads/2023/08/HarmonyAlliance_Policing_Situation_Analysis_Final.pdf)





- **Promoting financial literacy and training:** Offering training in financial literacy and independent living could empower individuals to change their circumstances.
- **Legal protections and advocacy:** Enhance legal safeguards for survivors and offer advocacy to assist individuals in navigating immigration and legal challenges.

## **Recommendations**

### **1. Amend laws and immigration policies:**

- Classify forced marriage as a form of family violence to strengthen victim protection and ensure that immigration policies support victims of forced marriage, regardless of their visa status.

### **2. Develop and implement targeted education and training:**

- Establish educational programs on forced marriage for at-risk groups and professionals.
- Provide specialised training for frontline workers in health, education, migrant services, youth work, and faith communities to help them identify and respond with cultural sensitivity.
- Develop culturally sensitive education materials in multiple languages, tailored for different age groups and genders.

### **3. Establish and/or promote comprehensive confidential support services:**

- Set up confidential support services that offer a full range of assistance to victims, including crisis intervention, legal aid, and counselling.

### **4. Foster inter-agency collaboration**

- Strengthen coordination between agencies to enhance victim support, share resources, and improve the overall response to forced marriage cases.