Forced Marriage 101
National Network to Prevent Forced Marriage Webinar
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About the Tahirih Justice Center
The Tahirih Justice Center is a national, non-profit organization that protects courageous immigrant women and girls who refuse to be victims of violence. We elevate their voices in communities, courts, and Congress to create a world where women and girls enjoy equality and live in safety and with dignity.
Founded 1997 with offices in the Washington, DC area, Houston, TX, and Baltimore, MD.

Tahirih’s Forced Marriage Initiative
• Created in 2011 to galvanize a national response to the problem of forced marriage in the United States
• Multi-faceted approach
  » Direct services and technical assistance
  » Outreach, training, and awareness-raising
  » Coalition-building and collaborative problem-solving
  » Drafting recommendations for legal and policy change
  » Developing best practices and practical tools

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Overview of Forced Marriage in the United States

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Defining “Forced Marriage”

A marriage that takes place without the consent of one or both parties.

Lack of consent can be caused by an individual being:
- Younger than the legal age to marry
- Subject to some other incapacity or disability
- Subject to force, fraud, or coercion

It is not arranged marriage, in which families may take the lead, but the ultimate choice to marry remains with the individual.

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Does Forced Marriage Really Happen in the United States?

2011 Tahirih national survey showed that Forced Marriage is a serious and underreported problem in this country:
- Over 500 respondents in 47 states identified as many as 3000 cases of forced marriage in the prior two years
- Documented front line responders’ experiences, diversity of impact, and range of tactics and violence experienced by survivors

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Who is Impacted by Forced Marriage in the United States?

- Families from many different countries of origin, and multigenerational American families
- U.S. citizens, Legal Permanent Residents, individuals with other immigration statuses or without legal immigration status
- Families of many different faiths including Muslim, Christian, Hindu, Buddhist, Sikh, Jewish, and others
- Both female and male victims; of all ages

Why Do Forced Marriage Situations Occur?

- Family motivations vary/overlap/fluctuate
- “Custom or tradition” (most often reported via survey)
- Additional, frequently reported factors:
  - Belief that marriage was in an individual’s best interest
  - Perceived as required to honor contract or arrangement between families
  - Necessary to protect family “honor” (i.e., particularly if an individual was LGBTQ, or pregnant, or had transgressed other expected behaviors)

Victims Face A Broad Range of Coercive Tactics

- Very common: emotional blackmail, isolation and control, social ostracism, economic threats, threats of violence
- Less common but not rare: immigration-related threats, physical violence, deception, death threats, stalking, kidnapping/forcing abroad, holding captive
Cases Can Be Extremely High-Stakes

- Of respondents who provided info on tactics:
  - Almost half (46%) reported encountering victims who were subjected to actual physical violence.
  - Over a quarter (27%) reported encountering victims who were subjected to death threats.
  - 13 respondents reported murder attempts.
  - 42 respondents reported suicide attempts/contemplation.

Forced Marriage and Human Trafficking

- Some forced marriages may look like human trafficking if the driving motivation for the family is financial to settle a debt or obtain a bride price.
- However, the forced marriage situations we have encountered often involve a host of reasons that parents are determined to see the marriage happen, most of them having nothing to do with money.

Additional Research:

- Gangashakti - Voices From the Frontline: Addressing Forced Marriage within the US (2013)
- Asian Pacific Islander Institute on Domestic Violence - Abusive International Marriages Hmong Advocates Organizing in Wisconsin (2011)
- Manavi – An Introduction to Forced Marriage in the South Asian Community in the United States (2011)
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Honoring Our Heartbeats: A Tour to End Forced Marriage in the U.S.

September 2014 – March 2015

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Screening For and Responding to Forced Marriage Situations

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Forced Marriage – “Typical” Tahirih Cases

• Individuals tentative about seeking help/taking action
  – Depression, decide “partner”
  – Lack of independence, constrained sense of options
  – Feel of consequences on self/family
  – Lack of knowledge about US laws/resources that could offer protection
• Threat is from many sources
• Urgency – facing imminent travel abroad
• “Reluctant sponsor” scenarios
• Complex cases involving minors

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How do you ask if someone is facing a forced marriage situation?

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Responding to Forced Marriage Situations

DO:

- Reassure individuals of confidentiality OR explain mandated reporting requirements/basics of confidentiality
- Let the individual know they have the right to say no to the marriage
- Reassure the individual that no religion sanctions forced marriage
- Respect individual’s wishes to be/ not be screened/interviewed by someone from their particular immigrant/cultural/ethnic community

Connect with an experienced Forced Marriage Service Provider for technical assistance/support with the case

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Screening for Forced Marriage Situations - Important Considerations

DO NOT:

- Use family or community members as interpreters
- Share information without their express consent or break confidentiality
- Send the individual away or return them to their family/perpetrators against their wishes
- Approach family or community members unless the individual expressly asks you to do so
- Act as a mediator
Safety Planning: Family History and Networks

- Map family/community members potentially involved in the forced marriage situation – both domestically and overseas.
  - Who is putting pressure on the survivor?
  - What individuals enforce family decisions?
  - Who does she see as an ally in the family? Why?
- Save proof of threats and/or abuse – emails/texts from the family and other perpetrators.

Safety Planning: Assessing the Risk

- Discuss survivor’s history:
  - When have situations of violence/serious threats arisen?
  - What happened in those situations?
  - How did things escalate/desescalate?
- Ask survivor what her gut instincts are about future situations:
  - What will say “no” to the marriage mean?
  - What will happen if she refuses or resists demands?
  - What has happened when anybody refused or gone against their parents or extended family’s wishes in the past?
  - What if she is caught planning an escape/relocation, or actually leaving?
  - How does she think she can best protect herself? (often based on past experiences surviving)

Safety Planning: Exploring the Survivor’s Strengths and Wishes

- Identify survivor’s strengths and resources that can help:
  - Accomplishments and skills
  - Education related connections and achievements
  - Employment related skills and networks
  - Assets like savings, property, etc. that could be accessed
  - Trusted friends or allies the survivor can turn to for help
- Ask what the individual’s wishes are with regards to the future?
  - Where would they like to be personally and professionally?
Safety Planning: Relocation

- Help choose a safe mode of transportation.
- Assist with planning departure at safest possible time so as not to raise red flags.
- Advise on the risks of using mobile technology and social media during relocation.
- Plan for perpetrators’ response – Is there a need to contact police proactively?

Safety Planning: Take a Survivor Centered Approach

Process of help seeking and trying to stop/exit forced marriage situation can be extremely traumatic - the survivor may be:
- Leaving only home she has ever known
- Lacking in life experience and resources – never had a job, managed money, lived outside the family, etc.
- Fearing for siblings, friends, pets, etc. who were left behind
- Facing conflicted feelings about family/dose she loves and worried about her future

Be ready for “second thoughts” and backtracking on decisions!

Safety Planning: Emotional Abuse

Emotional abuse is one of the most challenging issues that a survivor may face after relocation AND is one of the most difficult things to plan for.

How you can help:
- Prepare for responses from family, friends, and community, and explore how these will impact survivor.
- Discuss decision making process when survivor is under pressure – what is needed so that individual has space, time, and support needed to make safe decisions.
Safe Communication in Forced Marriage Cases

- **Email**: Caution against using old email account when working with advocates, take care where accessing (i.e. home/family computer)
  - Set up new, completely anonymous account to send mail
  - Use IP masking program (TOR) if relocating

- **Phone**: Smartphones can be easily hacked, GPS/other apps may be active without survivors’ knowledge
  - Current phone - family or individual plan (i.e. who sees bill)? Who has access to the phone? Does anyone monitor call/emails/texts?
  - Get second, secret phone (i.e. pay-per-minute/Hopeline)

- **Facebook/Social Media**: Can be used to locate/harass survivors, photos/search can connect new/old accounts

- **Computers/tablets**: Family vs. personal, concerns re tracking software/internet history searches
  - https://www.nnedv.org/resources/safetynetdocs.html

- **Mail**: Do not use USPS change of address form if relocating!

- **Identity Change**: Very complicated process, old and new identity can connect; please seek technical assistance!

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Forced Marriage Overseas: Risks of Traveling Abroad

- **Difficulty communicating**: May not know language/dialect in region
  - Limited access to email/internet, phone, and post services

- **Passport, ID documents, money**: May be taken away

- **May be taken to remote area**: Making transport, assistance by US/local authorities difficult or hazardous

- **Lack of protections under law and from local authorities**

- **Less/no social services, shelters, or support options**
Forced Marriage Overseas: Helping Individuals at Risk

- Urge them NOT to travel overseas!
- Gather essential information: Name, DOB, passport number, destination address/city/region, name of parents and spouse/relatives, etc.
- Arm the individual with information: Embassy/Consulate (phone/email/text), local NGOs and shelters, 911/law enforcement equivalent
- Take cell phone/SIM card; US and local currency
- Airport contingency and communication plans
- Notify Tahirih/State Department

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Current Legal Framework in the United States: Protections, Gaps, and Challenges

- Federal Level
  - No forced marriage-specific criminal laws
  - Some guidance in training materials for U.S. consular officers posted overseas; some travel advisories for the public
  - De facto minimum legal age for U.S. citizen to sponsor a spouse visa is 18; no set minimum for foreign spouse

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Minimum legal age to marry is 18 in most states
• Exceptions can lower the minimum age with parental or judicial consent, or in case of pregnancy
Forced marriage is criminal offense in 10 jurisdictions; statutes geared to prevent prostitution, pandering
• CA, DC, MD, MS, NV, OK, VA, WV, and Virgin Islands

Criminal statues (for assault, kidnapping, etc.) may cover actions taken in forced marriage situations, but:
• Victims/prosecutors may only press charges in extreme cases
• Criminal charges may actually heighten risk to victim
• Victim’s fear of criminal or immigration consequences to self or family may “chill” reporting/cooperation

Civil remedies, e.g. domestic violence or other protection orders may be an option, but:
• Requirements may not cover forced marriage dynamics (i.e. threat of future violence)
• Types of petitionors, respondents, and relief allowed may likewise be too limited to address forced marriage situations
Minors & Forced Marriage - Roadblocks to Help

- Narrow (or narrowly applied) definitions of abuse or neglect; Child Protective Services may perceive case falling outside of mandate
- May lack capacity/standing to initiate court action
- Barriers to seeking help without parental knowledge or consent
- Barriers to shelter/housing access (mandatory reporting/licensure requirements; parents can threaten to sue)

Risk of repercussions if unsuccessful (i.e., if minor is returned to family home after seeking help/initiating legal proceedings)

Special Challenges: Reluctant Sponsors and Marriage Based Visas

- Perpetrators may control entire visa application process
  - Restrict access to documents and monitor mail/status of application
  - Engage attorney
- No clear protocols in place at US Citizen and Immigration Services or National Visa Center for forced marriage cases:
  - Automatic response systems may place individuals at risk
  - Potential investigation of immigration fraud/consequences for family members

Proposal for a Comprehensive National Action Plan to End Forced Marriage in the United States

- Plans drive progress:
  - Outline gaps and needs across all sectors
  - Identify and better leverage existing tools and resources
  - Promote accountability
  - Improve gov’t responses; support and coordinate non-profit efforts

Please sign our Change.org petition to the President!
Action Plan Recommendations

• Increase understanding of forced marriage as a form of family violence and abuse, and build the capacity of existing programs to assist victims.
• Dedicate funding for new forced marriage-specific resources and programs.
• Ensure access to civil protection orders for forced marriage victims.
• Strengthen state laws on the age of consent to marry.
• Implement safeguards in federal immigration laws for marriage-based visas.
• Ensure that criminal justice options are available to forced marriage victims.

Please sign our Change.org petition to the President!

To sign up for the:
National Network to Prevent Forced Marriage & Forced Marriage Newsletter

Please visit:
www.tahirih.org/advocacy/policy-areas/forced-marriage-initiative/
www.PreventForcedMarriage.org

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