



TAHIRIH  
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***Forced Marriage Initiative***



# *Spotting Signs of Forced & Child Marriage & Human Trafficking: The Role of Marriage Officers*

## **GUEST PRESENTERS**

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**In Collaboration with Loretta Jay**

Justice of the Peace US

# *Tahirih Justice Center*



We offer a range of legal and social services to ensure that our clients can escape violence and rebuild their lives in safety.

## **IMMIGRATION LAW**

We represent immigrant women and girls who we believe have a legitimate claim to legal status under US immigration law as survivors of gender-based violence.

## **FAMILY LAW**

We ensure our clients' legal needs are met in family courts, safeguarding children against abuse and helping women divorce their abusers.

## **CIVIL LAW**

We engage in appellate advocacy and impact litigation, and support clients recover damages from harms they have suffered, such as trafficking

## **FORCED MARRIAGE PROTECTION**

We provide confidential support and assistance to individuals in the US who are facing forced marriages in this country or abroad.

## **SOCIAL SERVICES**

We connect our clients to shelter, employment-related training, food pantries, and other services so they can gain greater control over their lives.

## **MEDICAL SERVICES**

We help our clients obtain medical and mental health services, a vital step in the road to recovery from physical and psychological trauma.

# FORCED MARRIAGE

# *Defining “Forced Marriage”*



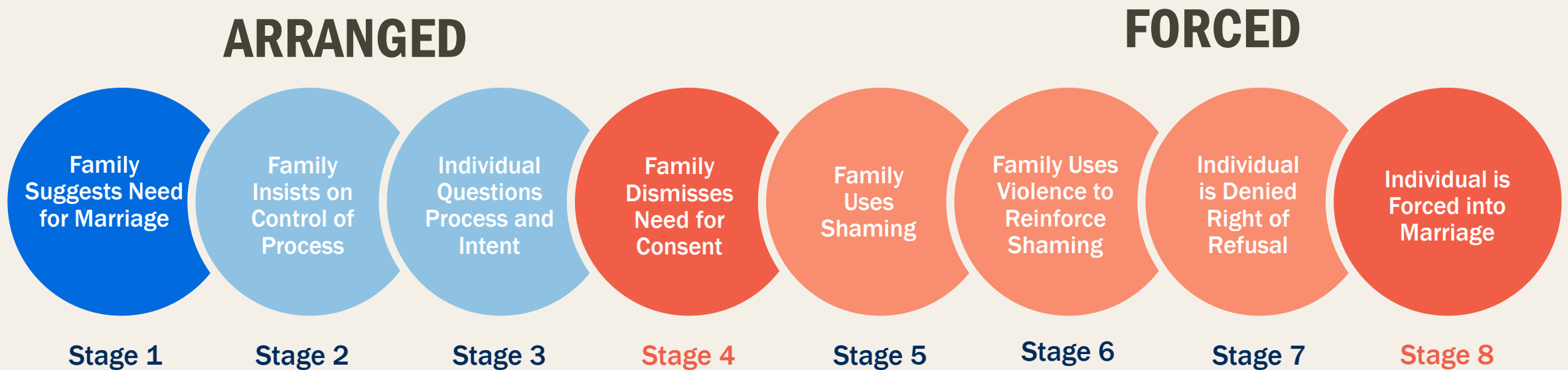
**CONSENT**

A forced marriage is where one or both people do not (or cannot) consent to the marriage, and typically involves elements of 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.

# *Arranged Marriage → Forced Marriage*

## Graphic A: Forced Marriage Continuum



Vidya Sri & Darakshan Raja (2013)

# *Does forced marriage really happen in the United States?*

**2011 national survey showed that Forced Marriage is a serious and underreported problem in the United States.**

## **THE SURVEY:**

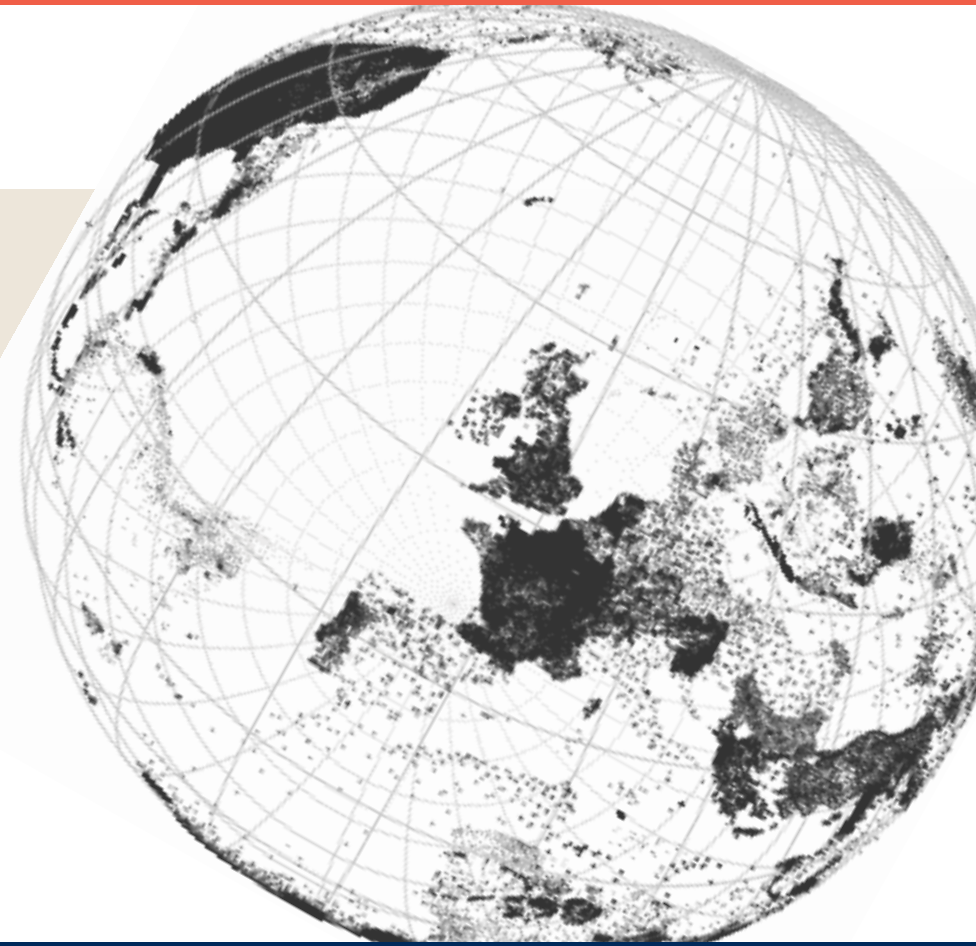
- Over 500 respondents in 47 states participated
- Identified **as many as 3000 cases of forced marriage** in the prior two years
- Close to half (41%) of all respondents had encountered at least one case



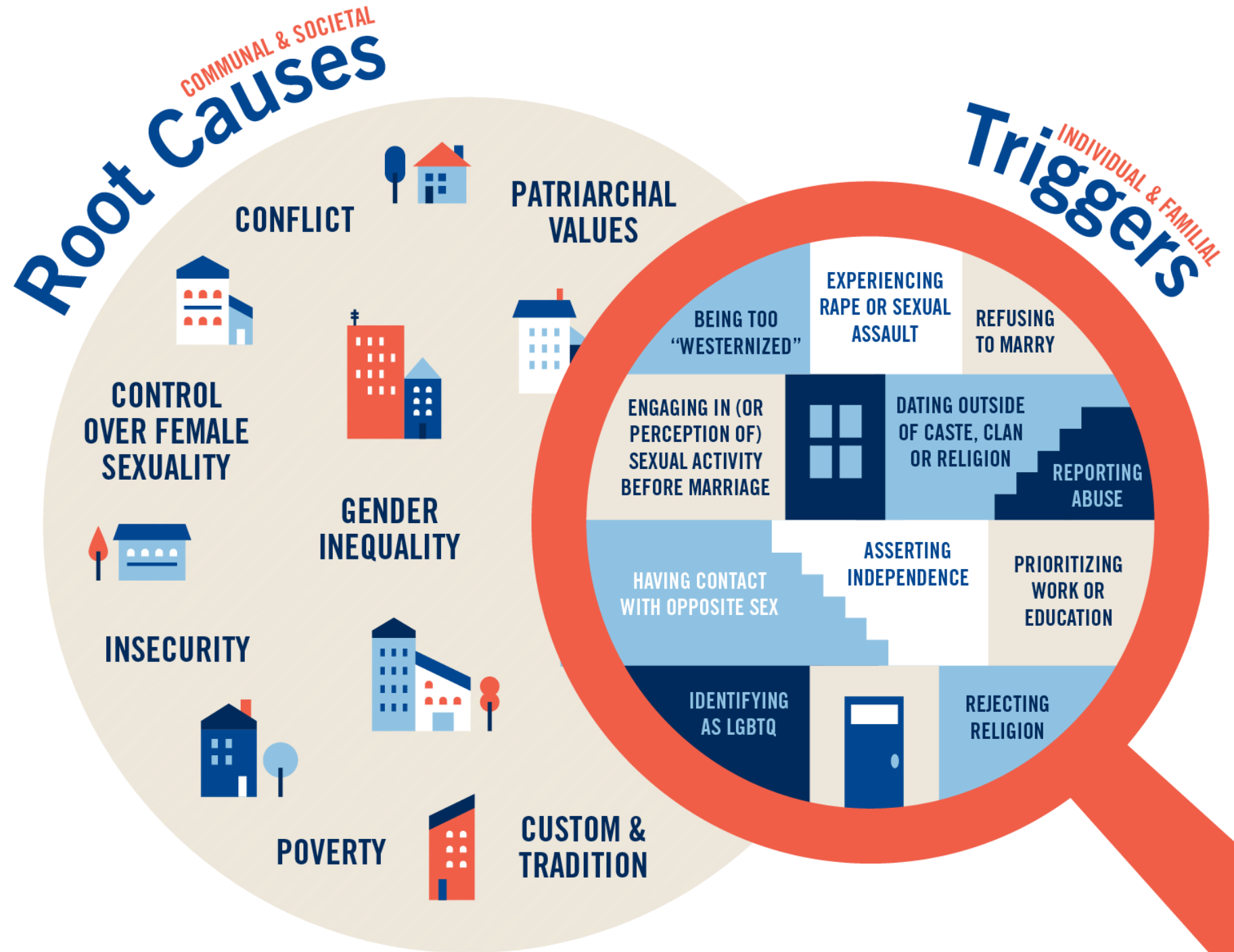
# *Who is impacted?*

## **2011 national survey found:**

- Victims' families came from at least 56 countries or origin
- All major religious backgrounds, as well as no religion
- Majority of victims are female, but some are male
- All ages, with many victims under age 18



# *Why do forced marriages happen?*



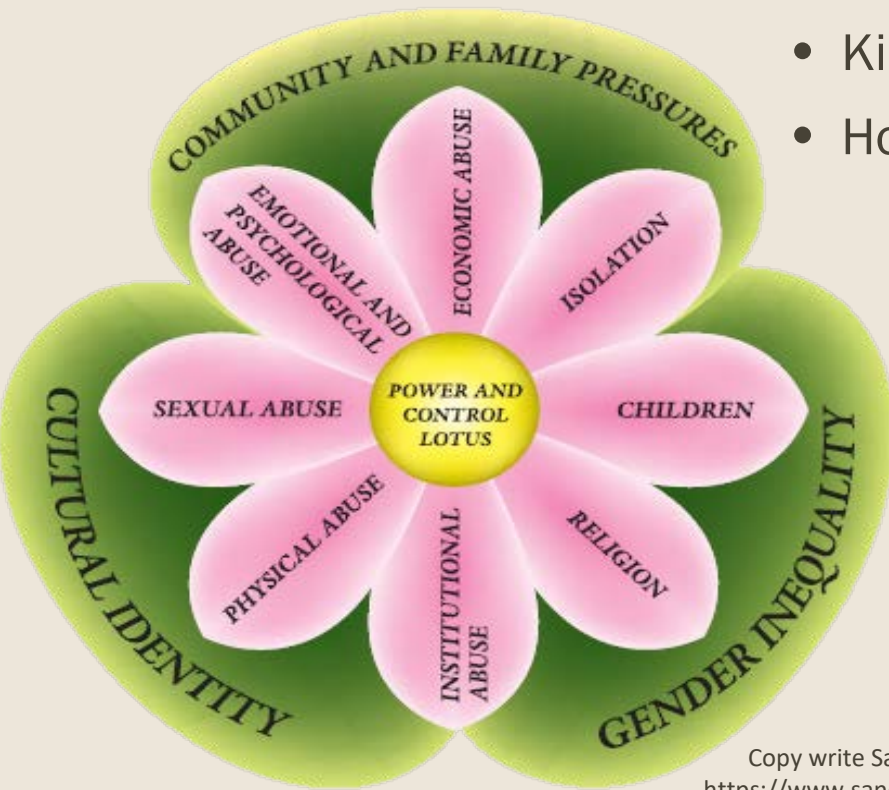
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## Very Common

- 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



Copy write Sanctuary For Families  
<https://www.sanctuaryforfamilies.org>

*Victims  
face a  
broad  
range of  
coercive  
tactics*

# HUMAN TRAFFICKING

# Defining Human Trafficking

## THE A-M-P MODEL

Action	Means*	Purpose
Induce Recruits Harbors Transports Provides or Obtains	Force Fraud or Coercion	Commercial Sex ( <i>Sex Trafficking</i> ) or Labor/Services ( <i>Labor Trafficking</i> )

\*Minors induced into commercial sex are human trafficking victims—  
regardless if force, fraud, or coercion is present.

U.S. law defines human trafficking as the use of **force, fraud, or coercion** to compel a person into commercial sex acts or labor or services against his or her will.

The one exception involves **minors** and commercial sex. Inducing a minor into commercial sex is considered human trafficking regardless of the presence of force, fraud or coercion.

# *Intersection of forced marriage and Human Trafficking in the United States*

## **HUMAN TRAFFICKING:**

- Arguably “human trafficking” can describe some forced marriage cases.
- Some forced marriages may have elements of human trafficking if the driving motivation for the family is financial, to settle a debt or obtain a bride price.
- Elements of forced labor may also be present, particularly in cases of servile marriage.
- Meeting the standards for “commercial sex” (as defined by statute) within marriage will be rare.

## Forced Marriage

- Multiple motivations including economic dependency
- Illegal acts performed through legal systems
- Possibility of servile marriages
- Parental & societal pressure

## Human Trafficking

- Lack of consent
  - Lack of personal liberty
  - Physical, sexual and psychological harm
    - Exploitation
  - Exchange of favors
  - Risk of death
- Main motivation (“purpose”) is commonly economic & exploitative
  - Illegal
  - Slavery like conditions

# CHILD MARRIAGE



# *Child marriage in the U.S.*

## **THE FACTS:**

- Between 2000 and 2015, well over 200,000 children under age 18 were married in America.
- Child marriage ≠ forced marriage in every instance
- However, the majority of child marriages in the U.S. appear to involve **several concerning factors:**
  - Vast majority of cases involve girls marrying adult men
  - Some of those adults were decades older
  - Pregnancy exceptions vs. statutory rape/laws on assault of a child
  - Parental consent exceptions
- Internally, Tahirih determined cases involving minors to be the hardest to triage

# *Risks and harms of early marriage in the U.S.*

## **RESEARCH SHOWS THAT WOMEN WHO MARRIED AS GIRLS FACE:**

- Higher drop-out rates
- Increased medical and mental health problems
- Early marriage can also double-down on the consequences of teen pregnancy.
- Greater vulnerability to violence
- Greater likelihood of future poverty
- Up to 80% divorce rates

**Whatever a girl's starting point, child marriage stacks the odds higher against her, and risks increasing her instability and insecurity over time.**

# *Child Marriage Laws*

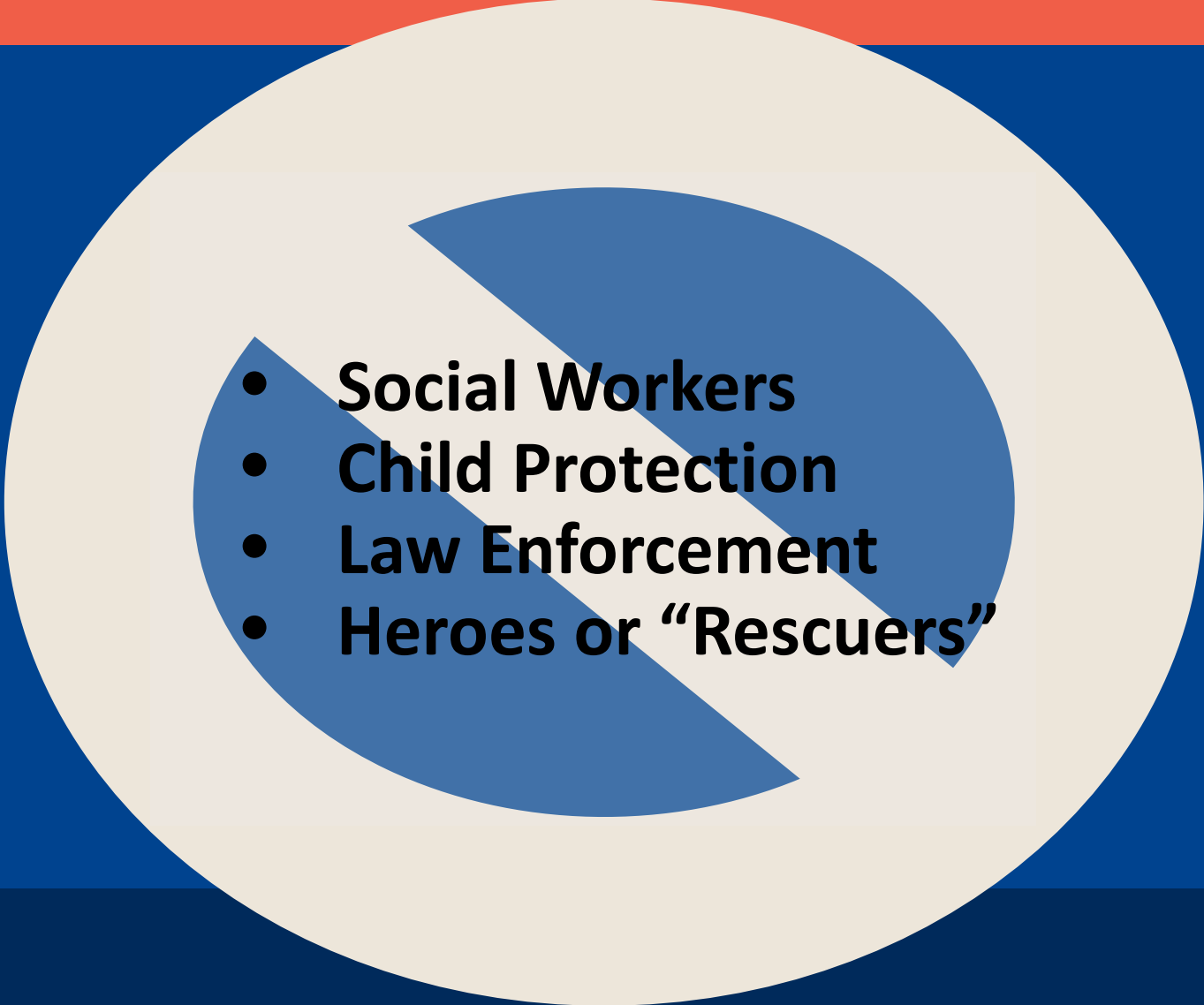
## **AT A GLANCE: HOW DO STATE LAWS ON MINIMUM MARRIAGE AGE COMPARE? (AS ENACTED BY JANUARY 10, 2020)**

- Only 2 states (Delaware and New Jersey) set the age floor at 18 – no exceptions
- 6 states (Virginia, Texas, New York, Kentucky, Ohio and Georgia) also limit marriage to legal adults – by providing exceptions only for emancipated minors
- 12 states do not set any age floor by statute
- In 13 states and Washington, DC, clerks alone – without judges – can issue marriage licenses for all minors
- Only 17 states require all minors to get judicial approval before they can marry
- 6 states expressly allow girls under the minimum age to be married if they are pregnant

*For more information, including a compilation of state laws, comparative analysis and “scorecards”, please visit [tahirih.org/childmarriage](http://tahirih.org/childmarriage). \**

*What is your role and how  
can you help?*

*We are NOT asking you to be:*

- 
- **Social Workers**
  - **Child Protection**
  - **Law Enforcement**
  - **Heroes or “Rescuers”**

# *What can YOU do?*

## **We ARE asking you to:**

- Set expectations and create space to seek affirmative consent
- Check your assumptions
- Use your best judgement with the information you have
- Provide validation and resources when appropriate
- Keep learning!
- Reach out for help

**But how...**

**SCREENING AND  
RESPONDING**



# *Questions to ask One on One with Everyone*

- Tell me how you met your partner/intended spouse?
- Is getting married something you feel ready for/something you really want to do?
- Tell me more about why you want to be married?





# Warning Signs

**Watch your bias: One red flag alone may NOT be indicative of a forced marriage threat, however, if several are present we encourage asking the right questions.**

- Not allowed to speak with you alone
- Unreasonable restrictions such as “house arrest,” not being allowed to speak on the phone or communicate with others alone. Can the person come and go freely from where they live?
- Close monitoring by family, other members of the community or household
- Appears to be coached on what to say
- Often in the company of someone to whom he or they defer, or someone who seems to always be in control of the situation
- Disoriented or confused, or showing signs of mental or physical abuse
- Shows signs of having been denied food, water, sleep, or medical care
- Lacks control of personal possessions including ID and other documents or money

# *Follow Up Questions to ask One on One When Warning Signs are Present*

- Do you feel you have control over whether or not you work and what happens to your income?
- What is your current living situation?
- After the marriage, where will you live? Do you have friends or family that also live near there, or others you trust?
- How does marriage typically happen in your family or community and how do you feel about that for yourself?
- Does your family want you to get married? How do you feel about that for yourself?
- If you don't want to get married, have you told your family or your intended spouse that you do not want to get married/or stay in the marriage? If not, why not?

# *Survivor-centered approach*

## **If they express hesitation towards the marriage ALWAYS:**

- Let the individual know they have the right to say no to a marriage they do not want, even if they are a minor and that help is available.
- Reassure the individual that no religion sanctions forced marriage.
- Remind the individual that even in marriage consent is still required for sexual activity
- Use telephonic language interpretation when there is a language barrier
- If the individual discloses, provide resources such as:
  - The Forced Marriage Initiative at [FMI@tahirih.org](mailto:FMI@tahirih.org) and 571-282-6187
  - The National Sexual Assault Hotline 800.656.HOPE (4673)
  - The National Domestic Violence Hotline 1-800-799-7233
  - National Human Trafficking Hotline 888-373-7888

# *Survivor-centered approach*

The process of help seeking and trying to stop/exit forced marriage or human trafficking situation can be extremely traumatic.

## **THE INDIVIDUAL MAY BE:**

- Thinking about leaving only home/community she has ever known/only support system
- Lacking in life experience and resources – never had a job, managed money, lived alone or in shelter
- Fearing for others including siblings, friends, pets, etc. that would be left behind
- Facing conflicted feelings about family/those she loves and her own identity
- Worried about her future

Be ready for “second thoughts” and backtracking on decisions and share referrals from the standpoint of “when they are ready”.

# *Survivor-centered approach*

## NEVER

- Tell someone that forced marriage or an unwanted arranged marriage is a “cultural” or “family” issue.
- Never use family or community members as interpreters.
- Activate a law enforcement or CPS response without the consent and knowledge of individual.
- Act as a mediator. Even things that seem helpful, such as sharing information about your suspicions or about U.S. laws with parents or perpetrators as a way of warning them, can reveal that an individual has asked for help, and this can have serious consequences.

# *Our role in prevention & healing*

- Start a conversation based on trust & mutual respect
- Root yourself in a non-judgmental point of view
  - Person
  - Family
  - Community
  - Culture
- Take your cues from the person
- Be knowledgeable about resources and supports, provide information and make referrals & connections. Those resources again are:
  - The Forced Marriage Initiative at [FMI@tahirih.org](mailto:FMI@tahirih.org) and 571-282-6187
  - The National Sexual Assault Hotline 800.656.HOPE (4673)
  - The National Domestic Violence Hotline 1-800-799-7233
  - National Human Trafficking Hotline 888-373-7888

# *Forced Marriage Initiative*

## **PREVENTFORCEDMARRIAGE.ORG:**

- Get Help Portal & Self Help Resources
- Recorded Webinars
- Forced Marriage Toolkit
- Resource Library
- News
- Survivor Stories
- Sign up for Forced Marriage Newsletter

## **CONTACT US:**

For assistance with forced marriage cases or to refer individuals to our program, please contact Hellitz Villegas or Casey Swegman

Email: [FMI@tahirih.org](mailto:FMI@tahirih.org)

Phone: 571-282-6187

Anonymous Online “Get Help” Portal:  
[preventforcedmarriage.org](http://preventforcedmarriage.org)

# *JPus*



Loretta Jay

Justice of the Peace Association

203.255.7703

203.984.8736

[www.JPus.org](http://www.JPus.org)

[www.FindaJP.com](http://www.FindaJP.com)



# *Other Resources Named Today*

- Federal Trafficking Victims Protection Act Info - <https://humantraffickinghotline.org/what-human-trafficking/federal-law>
- State Based Trafficking Offenses Database - <https://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-enactment-database.aspx>
- State Based Child Marriage Laws - <https://www.tahirih.org/pubs/making-progress-but-still-falling-short-a-report-on-the-movement-to-end-child-marriage-in-america/> (Overview) and <https://www.tahirih.org/pubs/understanding-state-statutes-on-minimum-marriage-age-and-exceptions/> (50 state breakdown as updated in July, 2019)

# *Thank You!*



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