

Forced Marriage Initiative

Recognizing when Students are Facing Forced Marriage

Tahirih Justice Center Forced Marriage Initiative

Casey Carter Swegman

Forced Marriage Initiative Project Manager – Tahirih Justice Center

Hellitz Villegas Forced Marriage Initiative Project Associate – Tahirih Justice Center

GUEST PRESENTER

Nouf Bazaz

Loyola University, Clinical Assistant Professor, School Counseling Program





Tahirih Justice Center

to end violence against women and girls

OUR

DIRECT

SERVICES

POLICY Advocacy

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

TRAINING & EDUCATION

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 <u>arranged marriage</u>, 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 are we talking about this?

Forced marriage is a form of violence against women in its own right. When a woman feels she has no real choice when it comes to marriage, she loses a great deal of power and control over her own life.

More often than not, however, forced marriage is just one part of a spectrum of other harms that a woman who is forced to marry may face in her lifetime.

OTHER TYPES OF HARM:

- Child Abuse
- Rape and Sexual Assault
- Human Trafficking

- Domestic and Family Violence
- Stalking
- Female Genital Mutilation/Cutting



What does a "typical" case look like?

Sonia is 18 years old and a US citizen. Her parents exercise a great deal of control over her and her siblings lives, forbidding dating and requiring she come straight home when school lets out. Sonia also has a part time job at a local store, but she has to give her parents her work schedule every week, and make sure she is home within a half hour of her shift ending. Her parents also monitor her and her siblings' computer and cell phone use very closely.



Sonia continued...

Sonia's parents have always told her that they would arrange her marriage, and recently they informed her that they "found a good match" and want to travel to their home country over winter break for the wedding. Sonia has told her parents she is not ready to get married, but her family insists that the marriage must go forward now. Her parents have told her that if she does not marry the man of their choosing she will bring shame to the family and that her refusal to get married is "killing them" and ruining her younger sisters' marriage prospects.





Sonia continued...



Sonia's parents rarely use physical violence against her, but her father did hit her during their most recent argument about the marriage. In the past she has also witnessed an older sister being beaten by their parents after she fled from her abusive husband and tried to return to the family home. Her sister was also resistant to the marriage their parents had arranged for her but ended up giving in to family pressure. Sonia does not want to end up in the same situation but does not know how to safely resist the pressure to get married.



Sonia continued...



Sonia's parents have bought plane tickets for June, stating that the whole family will be going abroad to visit their relatives, particularly a sick grandmother. Sonia is suspicious that a wedding may be waiting for her overseas, but knows that if she refuses to go or tries to leave it could lead to escalating abuse and potentially violence in the home.



Forced marriage often intersects with other forms of abuse

It is critical to recognize and to connect the dots between the mechanisms of power, control, and coercion that may precede a forced marriage, and the forms of abuse that can follow it.

With this increased understanding of historic and related trauma, it is more possible to effectively identify opportunities for safety and healing.

FORCED MARRIAGE CAN LURK BEHIND THE ISSUES THAT FIRST PRESENT THEMSELVES:

"...advocates speak to many women who are facing domestic violence, abuse and/or sexual assault in their marriage. Only later in these conversations does it emerge that the conditions upon which they may have been married were under duress, pressure and ultimately against their will" (Roy, 2011).



The intersection of forced marriage with other forms of abuse in the United States

CHILD ABUSE:

A substantial number of forced marriage victims are minors. A child or teenager being forced into marriage by her family may be subjected to multiple coercive tactics that, taken together, amount to child abuse. In the case of a minor, the harms that follow a forced marriage also amount to child abuse.

RAPE AND SEXUAL ASSAULT:

It follows that non-consensual sexual conduct and behavior may follow a nonconsensual marriage. Advocates and researchers have also found that sexual assault and rape can be not only a consequence - but also a cause - of forced marriage.



The intersectionality of forced marriage with other forms of abuse in the United States

DOMESTIC AND FAMILY VIOLENCE:

The forms of abuse, coercion, intimidation, pressure, and fraud that are employed against victims of forced marriage are often indistinguishable from the forms of abuse and control utilized by perpetrators in domestic and family violence contexts. Such tactics are employed to force an individual into an unwanted marriage, and to prevent them from being able to leave the marriage after it occurs.

STALKING:

Family members often use stalking behaviors to create a severe sense of isolation and hopelessness. Stalking often continues following the marriage in order to restrict the survivor's independent mobility and privacy, again with the intent of limiting her ability seek help.



The intersection of forced marriage with other forms of abuse in the United States

HUMAN TRAFFICKING:

Even though forced sex within a forced marriage is not a "commercial sex act" as defined by federal trafficking laws, arguably "human trafficking" can describe some forced marriage cases.

Some forced marriages may also 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.

FEMALE GENITAL MUTILATION/CUTTING:

FGM/C can be a precursor to marriage or a warning sign that a forced marriage may take place.

It can be a factor in family and community decision making about acceptable marriage partners – marriage may trigger risk of FGM/C. The survivor may face ongoing pressure and abuse around FGM/C throughout the course of marriage and childbirth.



Why do forced marriages happen?





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

Victims face a broad range coercive tactics



U.S. Case Dynamics

Hesitant about seeking help/taking action

Depression, anxiety, decision "paralysis"

Lack of independence

Fear of consequences to self or family

Lack of knowledge about U.S. laws or resources that could offer protection

Threat is from many sources

Urgency! Facing imminent threat abroad

"Reluctant sponsor" scenarios

Complications when cases involve minors



What do these cases "look like"?









Cases can also involve international components and risks...



A TOUR TO END FORCED MARRIAGE IN THE U.S.



#PBSNEWS



LEGAL LANDSCAPE

"Don't we have laws against this in the U.S.?"



Federal Level

THE LAWS:

- No forced marriage-specific criminal laws
 - Tahirih is thinking carefully about this and has been <u>consulting</u> internally as well as with FMWG members, community based organizations, survivors and other experts.
- De facto minimum legal age for U.S. citizen to sponsor a spouse visa is 18; no set minimum for foreign spouse



U.S. Citizenship and Immigration Services





State Level

THE LAWS:

- 9 states, 2 jurisdictions have specific forced marriage criminal statutes. But some are limited by age, gender, and some are human trafficking crimes harsh penalties can "chill" victims.
 - CA, FL, IN, MD, MS, NV, OK, VA, WV, D.C., and U.S. Virgin Islands
- CPS mandates may not clearly encompass forced marriage as child abuse
- State protective orders may not be clearly accessible to prevent forced marriage:
 - lack of qualifying relationships or conduct
 - lack of "fit" of statutory remedies to dynamics of forced marriage cases
 - status as a minor impedes access
 - success uncertain; depends on creative advocates, arguments, judges



Child Marriage Laws

AT A GLANCE: HOW DO STATE LAWS ON MINIMUM MARRIAGE AGE COMPARE? (AS ENACTED BY MAY 13, 2020)

- Only 4 states (Delaware, New Jersey, Pennsylvania, and Minnesota) set the age floor at 18 no exceptions
- 7 states (Virginia, Texas, New York, Kentucky, Ohio, Georgia, and Indiana) also limit marriage to legal adults – by providing exceptions only for emancipated minors
- 17 states require all minors to get judicial approval before they can marry
- In 14 states and Washington, DC, clerks alone without judges can issue marriage licenses for all minors
- 10 states do not set any age floor by statute, and 5 states set an age floor younger than 16
- 5 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 <u>tahirih.org/childmarriage</u>.*



SCREENING AND RESPONDING





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.

- Decline in grades, punctuality, or performance
- Appearing anxious, depressed, or emotionally withdrawn
- Frequent unplanned absences
- Loss of interest in going on to higher education
- Not being allowed to attend extra-curricular activities

- Close monitoring by siblings, cousins, other members of the community or parents
- Fear of upcoming holidays or breaks from school
- Uncertain if returning to school
- Parental request for extended leave of absence
- Siblings who have been pressured to drop out or get married early



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



Use the "red flags" as your guide

- I've noticed your grades declining and that is not like you. Usually when there is a sudden change like this, something else is happening, maybe something at home....
- You seemed excited to participate in extra-curricular activities, but I noticed that you haven't attended any. Can you tell me what is keeping you from attending or participating?
- I noticed you haven't completed any college applications....
- I heard you say completing these applications would be pointless because you would not be able to go...
- It seems like you are not sure when you will return from vacation, is that something that worries you?





- How has marriage taken place in your family/community in the past? How do you feel about that for yourself?
- Do you feel you have a choice in deciding who you will marry?
- How is your marriage partner being selected? Who is involved?
- Are you being pressured to marry someone who you do not want to marry or are not sure about?



Our role in prevention & healing

SERVICE PROVIDERS:

- Start a conversation based on trust & mutual respect
- Root yourself in a non-judgmental point of view
 - o Person
 - \circ Family
 - o Culture
 - \circ Community
- Be knowledgeable about resources and supports, provide information and make referrals & connections.

- Educate about rights and laws:
 - They have the right to say no to a marriage or marriage partner they do not want.
 - They have the right to leave a marriage they do not want.
 - No religion sanctions forced marriage.
 - Intercourse is not an obligation and rape and sexual assault CAN occur within a marriage.

Remember the One Chance Rule!



Survivor-centered approach

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

THE SURVIVOR MAY BE:

- Thinking about leaving only home/community 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. 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. Refer to Tahirih's Forced Marriage Initiative for long term support.



The role of School Counselors

School staff members play a critical role in recognizing when a child may be facing a crisis and can be a trusted resource that a student can turn to for help.

When working with a student:

- Reassure them that they have the right to choose whether, when, and whom to marry
- NEVER use the phrase "cultural issue"
- Explain the limits of your confidentiality & let them make choices they know their situation BEST
- Reach out for support and guidance from Forced Marriage expert if a student is at risk





The role of School Counselors

School staff members play a critical role in recognizing when a child may be facing a crisis and can be a trusted resource that a student can turn to for help.

- Ask about and document the individual's perception of risk.
 - What will saying "no" to the marriage mean?
- Establish a safe way to communicate and check in moving forward
- Identify survivors' strengths and assets, and any trusted friends or allies
- Outline and discuss options and potential outcomes
- If necessary Provide a safe space for the student to speak confidentially with expert advocates in the field and be open to role sharing and coordination.



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

Phone: 571-282-6187

Anonymous Online "Get Help" Portal: preventforcedmarriage.org



Thank You!



OUR OFFICES

Atlanta

230 Peachtree Street NW Atlanta, GA 30303 (p): 470-481-4700 | (f): 470-481-7400 atlanta@tahirih.org

Baltimore

211 E. Lombard Street, Suite 307 Baltimore, MD 21202 (p) 410-999-1900 | (f) 410-630-7539 baltimore@tahirih.org

Greater Washington, DC | National 6402 Arlington Blvd., Suite 300 Falls Church, VA 22042 (p) 571-282-6161 | (f) 571-282-6162 greaterdc@tahirih.org | justice@tahirih.org

Houston

1717 St. James Place, Suite 450 Houston, TX 77056 (p) 713-496-0100 | (f) 713-481-1793 houston@tahirih.org

San Francisco Bay Area

881 Sneath Lane, Suite 115 San Bruno, CA 94066 (p) 650-270-2100 | (f) 650-466-0006 SFBayArea@tahirih.org

