

# Identifying and Responding to Forced Marriage Cases

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Hellitz Villegas

**Forced Marriage Initiative Project Manager**

Briana Roberts

**Forced Marriage Initiative Project Associate**

Casey Swegman

**Director of Public Policy**

# The Tahirih Justice Center

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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, impact litigation, and support clients in recovering damages from the 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.

# The Forced Marriage Initiative

Created in 2011 to galvanize a national response to the problem of forced marriage in the U.S.

## Multi-faceted approach:

- Research (legal and policy as well as field based)
- Outreach and awareness raising; trainings
- Developing best practices and practical tools
- Coalition-building and collaborative problem solving
- Drafting recommendations for legal and policy change
- **Providing direct services nationally**



# What is Forced Marriage?



## **Forced Marriage Is...**

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

## **Forced Marriage Is Not...**

Arranged marriage, in which families may take the lead, but the ultimate choice to marry remains with the individual.

# Choice Continued



## CONSENT

**YES!** I can freely express my wishes and opinions without negative consequences, or fear.

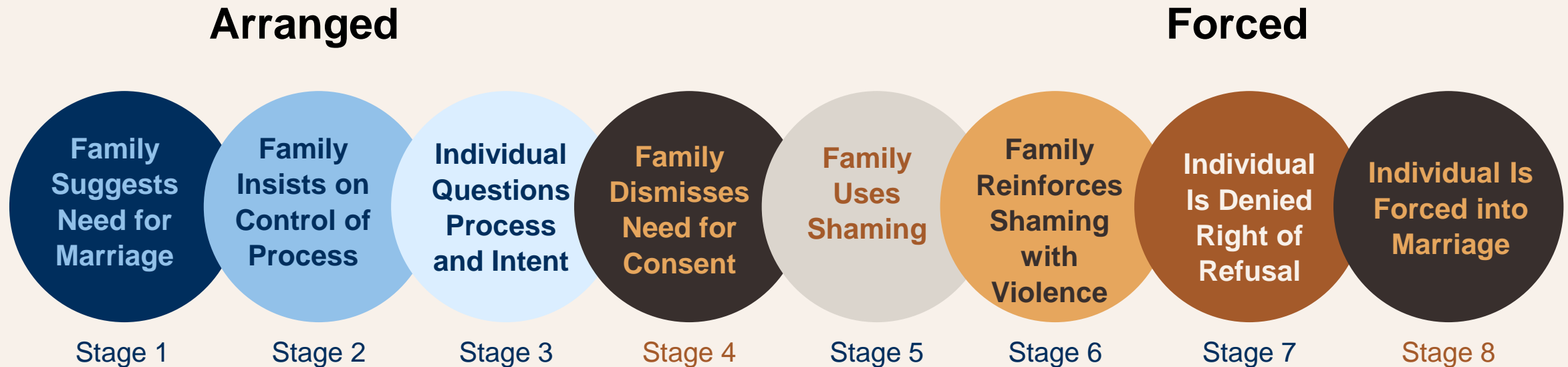
**YES!** I want to get married.

**YES!** I want to get married to this person.

**YES!** I want to get married right now, or the timeline discussed.

# Arranged Marriage vs. Forced Marriage

## Graphic A: Forced Marriage Continuum



Vidya Sri & Darakshan Raja (2013)

# Does Forced Marriage Really Happen in the United States?

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

## The Survey:

- Over 500 respondent in 47 states participated
- Identified as many as 3,000 known or suspected cases of forced marriage in the prior two years
- 41% of all respondents had encountered at least one case



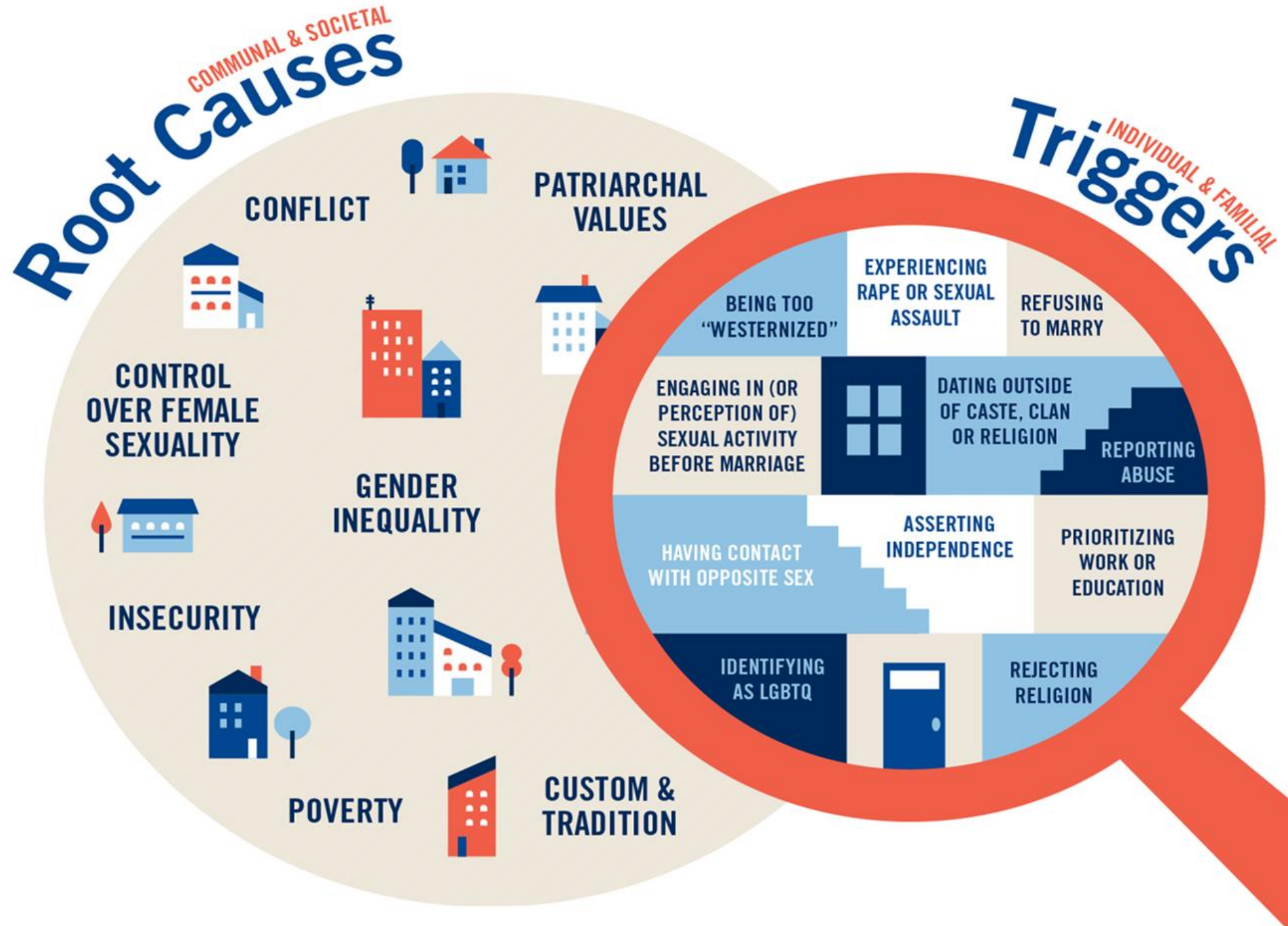
# Who is Impacted?

## The 2011 National Survey: More Key Findings

- Victims' families came from at least 56 countries
- Religious backgrounds were diverse and included folks with no religious affiliation
- Majority of victims were female
- Victims included US citizens; weddings occur both in the U.S. & abroad
- Many were <18 years old



# Why do Forced Marriages Happen?



# Victims Face a Broad Range of Coercive Tactics

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- Emotional Blackmail
- Social Ostracism
- Isolation and Control
- Economic Threats
- Stalking
- Holding Captive
- Deception
- Kidnapping/Forced Travel Abroad
- Physical Violence
- Death Threats
- Immigration Related Threats

# Forced Marriage at the Intersection

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.

**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)

## **Other Types of Harm:**

- Child Abuse
- Human trafficking
- Stalking
- Domestic and Family Violence
- Female Genital Mutilation/Cutting
- Rape and Sexual Assault

# Forced Marriage at the Intersection

## **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 non-consensual marriage. Advocates and researchers have also found that sexual assault and rape can not only be a consequence - but also a cause - of forced marriage.

# Forced Marriage at the Intersection

## **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.



# Forced Marriage at the Intersection

## **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.

# What Does a “Typical” Case Look Like?



# Group Discussion

- ❖ Karla reaches out to your agency in what ways would her case challenge the current intake process or requirements to receive services?
- ❖ What are Karla's strengths and assets?
- ❖ What steps can Karla take to protect herself in the short term?



# A "Typical" Case

Karla is 18 years old and a U.S. citizen. Her parents exercise a great deal of control over her, and her sibling's lives, forbidding dating and requiring she come straight home when school lets out.

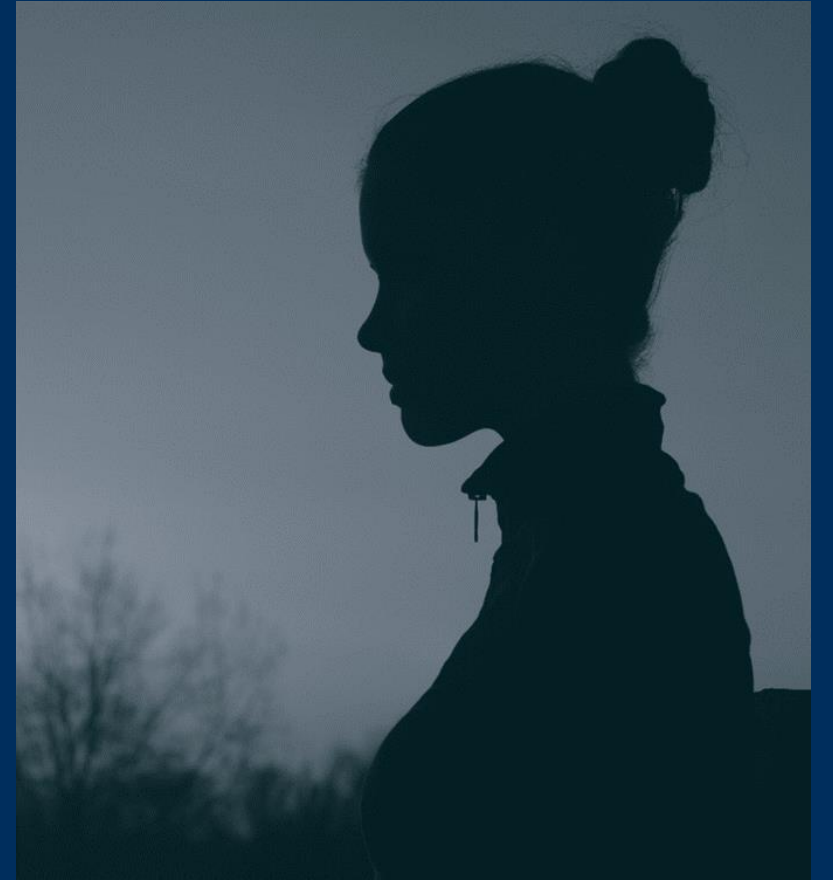
Karla has a part-time job at a local store, but she must give her parents her work schedule every week, and make sure she is home within a half hour of her shift ending.

Her parents monitor her and her siblings' computer and cell phone use very closely.

# Karla continued...

Karla's parents have always told her that they would arrange her marriage, and recently they informed her that they "found a good match."

Karla 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.



# Karla continued...

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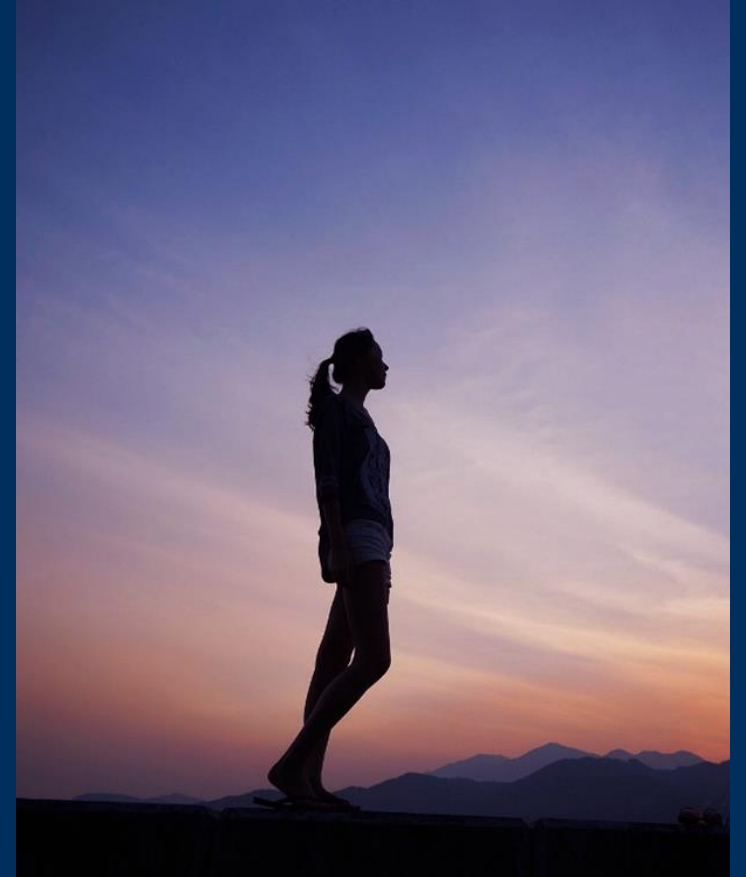
Karla's parents have informed her that her grandmother and uncles will be visiting soon. Karla is suspicious that wedding plans are moving forward but knows that if she refuses to or tries to leave it could lead to escalating abuse and potentially violence in the home.

# Karla continued...

In the past Karla has 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. Karla does not want to end up in the same situation but does not know how to safely resist the pressure to get married.

Karla calls your organization.



# Group Discussion

- ❖ Karla reaches out to your agency in what ways would her case challenge the current intake process or requirements to receive services?
- ❖ What are Karla's strengths and assets?
- ❖ What steps can Karla take to protect herself in the short term?
- ❖ How would your response be different, or options change, if Karla were 16?



# If Karla were 16...

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- Could she self help with a protection order?
- Are minors who are facing domestic violence able to receive help from a certified DV shelter in your area?
- What are your reporting guidelines and how could you attempt to encourage positive intervention if Child Protective Services becomes involved?

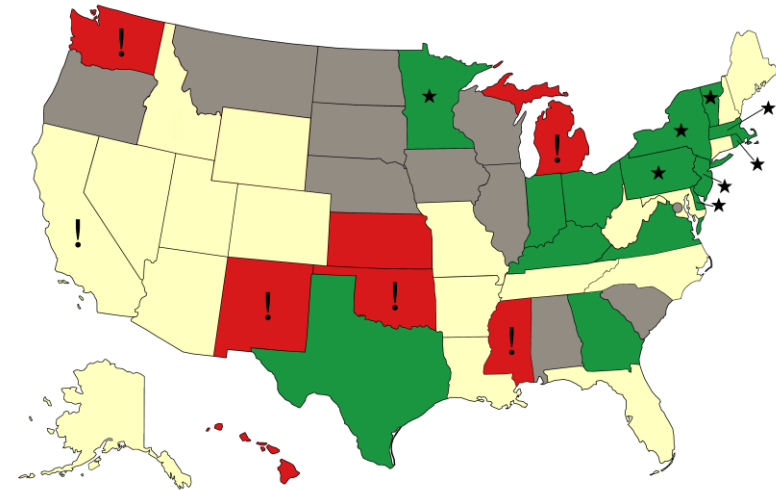
# Child Marriage



# Child Marriage in the U.S.

## The Facts:

- Child Marriage  $\neq$  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
  - Marriage ages lower than age of consent
  - Parental consent exceptions enable parental coercion
- Between 2000 and 2018, at least 300,000 minors were married in the U.S.
  - **33 states have reformed since 2016**
  - **8 states completely ended marriage under age 18**



# Challenges for Minors Facing the Threat of Forced Marriage

- Lack of knowledge of rights
- Lack of evidence
- Lack of capacity/standing to initiate court action
- Law enforcement defers to rights of parents
- Cases may not be understood as falling within CPS mandate

- Limited ability to leave home
  - Often cannot legally remain outside the home
  - Shelter/alternative housing options may be limited
  - Shelters generally have mandatory reporting to CPS
- Risk of repercussions if unsuccessful



# Risk and Harms

U.S. specific research shows that women who are married as girls face:

- Higher drop-out rates
- Increased medical and mental health problems
- Greater vulnerability to violence
- Greater likelihood of future poverty
- Marriage at an early age can also double-down on the consequences of teen pregnancy

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

# Legal Landscape

## The Laws:

- No forced marriage-specific criminal laws
- De facto minimum legal age for U.S. citizen to sponsor a spouse visa is 18; no set minimum for foreign spouse
- State level: 9 states and 2 jurisdictions have criminal offenses addressing forced marriage
- Federal/state criminal laws- domestic violence, child abuse, stalking, kidnapping, unlawful restraint
- VAWA

# Screening and Responding

# Warning Signs

## Family History:

- Siblings forced to marry or had early marriages
- Self-harm or suicide attempts by siblings
- **Death of a parent**
- Family disputes
- Unreasonable restrictions (ex: "house arrest" by parents)

## Health Issues:

- Anxiety, depression, emotional withdrawal
- Self-harm or attempted suicide
- Accompanied by family member(s) to all visits and never left alone with provider
- **Early, unwanted, or concealed pregnancy**
- FGM/C, virginity tests

# Warning Signs

## Law Enforcement Issues:

- Family reports individual for substance abuse, theft, shoplifting, etc.
- Reports of violence, abuse, death threats in family home against individual, other family members
- Individual or siblings reported missing
- Frequent runaway attempts

## Education/Employment Issues:

- Frequent/persistent absence
- Fear of upcoming holidays/break; unsure if returning or continuing school/work
- Surveillance by family/siblings at school or work
- Withdrawal from school by parents/forced to quit job
- Decline in behavior, grades, punctuality, performance

# How Do You Ask if Someone is Facing a Forced Marriage Situation?



# Our Role in Prevention & Healing

## Service Providers:

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

# Ways to Ask

- 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?

**ALWAYS EXPLAIN MANDATORY REPORTING BEFORE THEY DISCLOSE INFORMATION**

# Emergency Forced Marriage Cases

- How much time do you have to talk today?
- Are you facing travel abroad? If so, when?
- Are you safe tonight? This weekend / this week?
- Will you be able to find another safe time to speak to my colleague?

# Survivor Centered Approach

## The Survivor May Be:

- Thinking about leaving only home or 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 and loved ones 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.

# Response Scenario 1

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Karla has just called your organization. You feel heartbroken about her situation. You tell a coworker that had Karla been raised in a different culture, she would not have been subject to such a devastating fate. You tell your coworker that there is little that you can do since the practice is so culturally engrained and that many women in fact do not even mind.

If you tell Karla to disobey her parents, it would be “culturally insensitive” because this is just how it is done in some cultures. Your coworker nods her head and chimes in, “we don’t want to be racist. Its better not to get involved in family matters.”

# Response Scenario 2

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Karla breaks down crying during the call and asks you for your opinion. Fighting back your own tears, you tell her, “You are the same age as my own daughter, and I want the same things for you that she has. You have the right to date anyone you like. Get to know them and explore your relationship emotionally and physically. Marriage, if you choose to even get married, should be your decision and your decision alone. If your parents can’t agree with that, then I’m sorry but it’s their loss, not yours.”

# Response Scenario 3

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Karla tells you that she is considering going through with the marriage and asks you what she should do. You take a deep breath and tell her, “Karla, I can't imagine how difficult this must be for you. It took a lot of strength to open up about all of this today. I, along with our entire team, are here to support you in whatever way you think is best. I want to share some resources with you that may also help and provide information on some of the options you may have. So far, what or who has helped you through this or been a source of support?”

# We Are Here to Help!

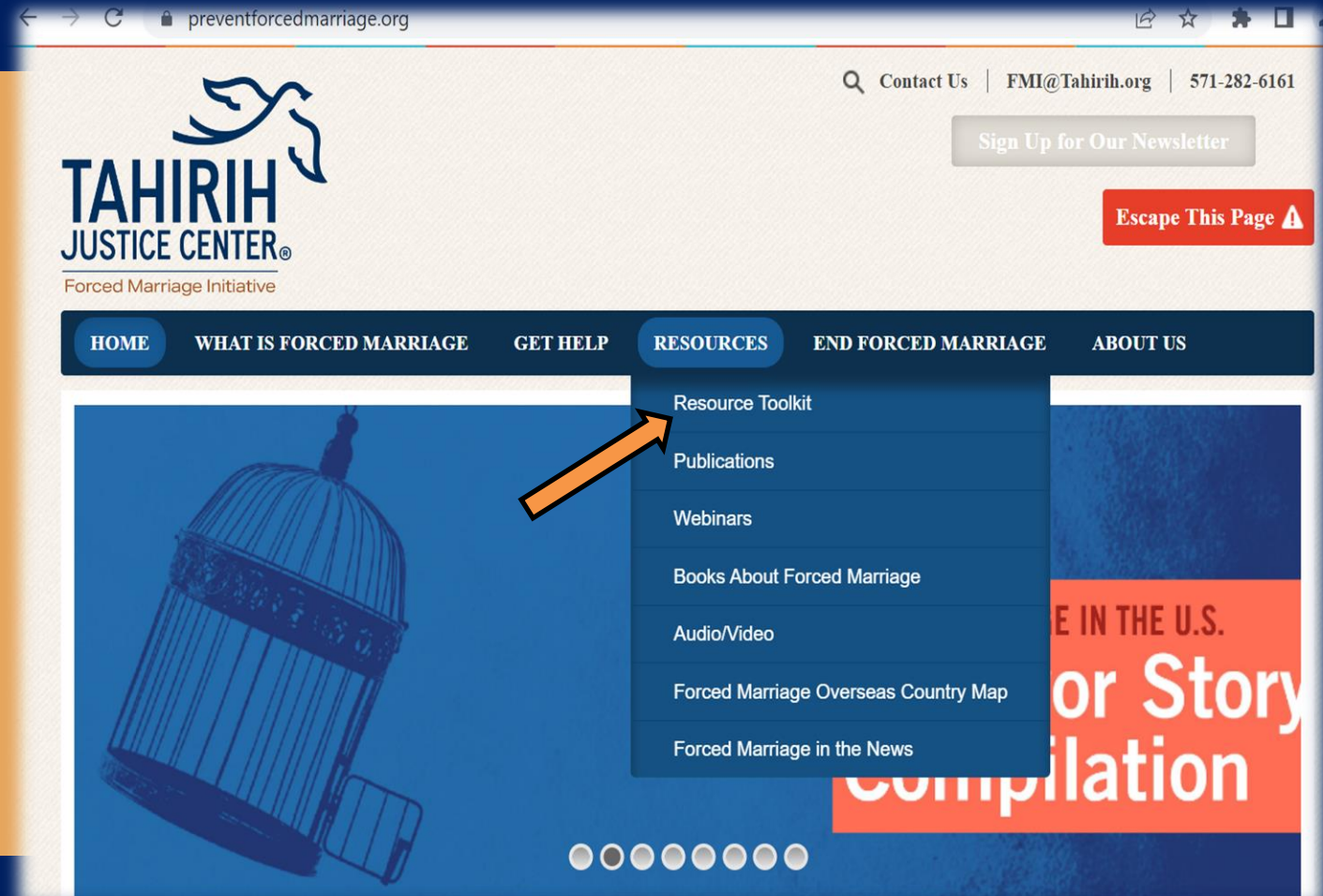
**www.PreventForcedMarriage.org**

- Recorded Webinars
- Forced Marriage Response Toolkit
- News
- Survivor Stories
- Get Help Portal
- Sign up for Forced Marriage Newsletter

**Contact Us:**

FMI@Tahirih.org

571-282-6199





# Upcoming Training

Forced Travel and Emergency Repatriation:  
Responding to Forced Marriage Cases When  
Travel Abroad Occurs

**August 17<sup>th</sup>**



# 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**

6400 Arlington Blvd., Suite 400  
Falls Church, VA 22042  
(p) 571-282-6161 | (f) 571-282-6162  
greaterdc@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