

Response to Enhancing Civil Protections and Remedies for Forced Marriage Consultation Paper

October 2024

The Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT) is delighted to have the opportunity to provide a written response to the Attorney General Department's invitation to respond to the Enhancing Civil Protections and Remedies for Forced Marriage consultation paper¹.

QPASTT has been providing refugee trauma recovery services for over 27 years, and we have grown to become the statewide refugee trauma recovery specialist agency in Queensland. QPASTT is the Queensland member of the Forum of Australian Services for Survivors of Torture and Trauma (FASSTT). This response is informed by the practice experience of staff working with individuals, families and communities, from consultations with community members with a strong interest in the topic, and staff in FASSTT agencies across our national network.

Response to the consultation paper

As a refugee trauma recovery service, QPASTT's expertise lies in culturally safe recovery from the harms of torture and trauma. As such we are a specialist community mental health service, providing trauma recovery interventions in a manner which is accessible to survivors of refugee trauma. This includes ongoing trauma post arrival in Australia that may be the result of continued overseas conflict, acculturation distress, systemic and interpersonal racism and discrimination, intergenerational trauma and conflict, and cycles of violence that perpetuate in communities themselves. In this paper, we have chosen to respond to the questions and issues about which we are in the position to provide an informed opinion. We will not respond to questions about legal arrangements or instruments as this is outside our area of expertise.

This response has two sections (i) case studies and experience summaries, and (ii) response to consultation questions.

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Summary of Recommendations

The recommendations below are articulated in detail in the substantive response to the consultation questions.

- Community capacity building educative programs, co-designed and delivered by allies in the community, are essential to a holistic response to forced marriage.
- The adoption of a range of complex trauma informed actions is needed in order to increase safety, and to enhance help-seeking and protection against the risks detailed in response to the consultation questions.
- A forced marriage lived experience advisory group needs to be formed to advise development of policy, service delivery and legal mechanisms. Such an advisory group can assist in understanding and responding to the range of drivers of forced marriage.
- It is important that the family and domestic violence (FDV) sector continually integrates practice that is complex, trauma sensitive and culturally safe. There needs to be a sound understanding of the refugee experience – in particular, for Women at Risk and sponsored visa cohorts - and the adoption of a workforce diversity strategy to sustain high quality accessible service delivery.
- The enhancement of specialist services in regional areas is an essential element of a national approach.

Section One: Case studies and experience summaries

From participating in the Brisbane face to face discussion session with members of the Attorney-General's Department consultation team, it was made clear that the evidence base for this work is dependent on cases reported to the Australian Federal Police (AFP). It is widely recognised that forced marriage is an underreported issue with many victim survivors reluctant to engage the AFP. Therefore, this part of our response includes five de-identified case studies and a thematic experience summary. This provides lived experience from a non-policing perspective, and importantly includes cases that were not reported to police of any jurisdiction.

QPASTT acknowledges that there is diversity in beliefs, responses and actions related to forced marriages across multicultural communities, including those who act for change who are allies and also varied drivers for perpetration. The following case studies will provide some insight into this but is by no means exhaustive of the varied experiences of community members. Is it also important to recognise that there can be protective factors in cultural communities as well, e.g. strong advocates for human rights due to past experiences of human rights abuses and faith-based values or practices which are counter to forced marriage. Additionally, while the five case studies below identify girls or women being forced to marry, QPASTT recognises that boys and men may feel obligated to engage in force marriage to meet family and community expectations. Frequently, however girls and women experience a far greater proportion of violence and coercion.

NOTE: In this version of the submission, the individual case studies are removed for privacy and confidentiality purposes.

Experience summary – not otherwise captured in case studies

In speaking with staff and community members, the prevalence of forced marriage amongst different ethnicities remains under-studied and under-reported. Through these discussions, most frequently the experience of forced marriage was identified within the Hazara and Pashtun communities of Afghanistan, however experiences were shared from African, Middle Eastern and Asian ethnic groups indicating the reach of forced marriage practices. Within this diversity, it is essential to understand drivers of force marriage in each cultural/faith community. These drivers may span a range of factors: economic considerations, proscriptive gender roles that have been normalised through faith and cultural 'rules', intergenerational acculturation tensions, limited integration of Australian laws and "western" concepts of human rights into cultural expectations, and exploitation of visa pathways for partner and family members to migrate to Australia.

Closed Communities

Ethnic communities, particularly those which have experienced intergenerational persecution, may be closed communities, rejecting or restricting inter-community engagement out of a sense of fear and a need to protect the community from perceived 'harmful' external influences. In closed communities, interpersonal relationships are considered very private and information frequently stays within the family. This summary includes a description of two small ethnic communities. There are numerous other conservative, closed communities who are reluctant to engage with services in Australia.



Closed Community One

QPASTT staff have observed practices as disclosed in youth work and counselling with clients from a Middle Eastern ethnic community. About four years ago in the early years of humanitarian arrivals from this ethnic group, there was a consistent practice of young women around puberty being forced into cultural marriage (not legally registered). The marriage match is based on cast and age, frequently with the husband being a young person not residing in Australia due to the limited appropriate cast and age matches available. This resulted in a high proportion of 16 to 20 year-old young women married and pregnant. The community narrative for this practice is to ensure the survival of the cast and ethnic identity, with social and cultural rules of the community and faith very strictly followed. The community is private, closed, and organised, with these arrangements rarely disclosed to outsiders. There appears to be two methods facilitated by migration agents within the community:

- (i) The young woman travels to the Middle East, marries and her family applies for a partner visa for the spouse. The young woman returns to Australia to give birth for citizenship and immigration purposes, then returns to the Middle East with the infant after a couple of months to wait for the partner visa to be processed. Once the partner visa is approved, the couple move to Australia with their child/children.
- (ii) If the family are financially resourced, the intended spouse comes to Australia on a temporary visa to marry the young woman and then application is made to convert the temporary visa to a spouse visa.

According to staff observation and feedback from younger people in this community, the majority of these marriages appear to be failing when the spouse arrives. It is unsure whether this failure has led to a reduction in the volume of young women being forced to marry, however most community members do not appear to consider consent as a consideration in marriage arrangements and would not have a cultural framework for understanding the concept of forced marriage. Parents have disclosed they would consider it “heartbreaking” if their child did not want to marry someone from within their ethnic community. It is extremely rare to act in opposition to family and community expectations, as the person will be ostracized from the community which is likely to be the only source of trusted support that the person has ever known, and the community retaliation of ostracism and threat of violence is likely to be fierce.

Closed Community Two

A small ethnic community from Africa had a generational (collective) experience of persecution and had to flee their country of origin and live for prolonged periods in refugee camps in a neighbouring country, which also experienced extensive civil conflict including broadscale gender-based violence. The community expresses a strong belief in the cultural purity of their tribe, and it is common for young women to be sent back to Africa to marry a member of this tribe. There is a strong narrative of cultural pride within the community and restrictive marriage practices are perceived as preserving cultural identity. This tribe has close connections to another African community which developed due to the familiarity resulting from the extended transit/asylum seeking period in the country which was hosting refugee camps. Community members from the larger cultural community have become leaders and advisors for the tribe due to limited interpreters in the tribe’s dialect. Additionally, this larger cultural community have had more educational opportunities to gain skills in navigating immigration and legal systems in Australia, due to having a more established community and a longer history of settlement. This hierarchy of power in community relationships has influenced the tribe’s knowledge of and engagement in services, and creates complexity in the

tribe's settlement experience. Formal community engagement strategies have had to navigate an additional layer of gatekeeping, which is sensitive and time-consuming, which is an additional consideration for the forced marriage education programs.

Intergenerational trauma and parental coercion

Refugee trauma is complex trauma resulting from intentional harm from multiple actors repeatedly experienced over prolonged periods of time. As such it can have an acute impact on psychological safety, intrapersonal, interpersonal and collective relationships. This may impact in the following ways:

- (i) Some have experienced generations of persecution and conflict which has fundamentally influenced the functioning of the cultural group. Many are deeply affected by continuing conflict in their country of origin and have moral/kinship ties to loved ones who remain in dangerous situations with limited resources for protection. It is essential to recognise that families and communities in Australia are still suffering the impact of complex and collective trauma, particularly when family members and community are still in dangerous situations in the home country.
- (ii) Women and children may be forced to marry overseas, at times in refugee camps for their own "protection" and survival, as there is a high risk and high prevalence of gender-based violence for women, particularly unpartnered women, in refugee camps. These women and children are then relocated to Australia with their spouse and often their husband's family.
- (iii) The experiences of persecution and oppression frequently act to purposefully break the bonds of the family unit. This can result in the replication of systemic violence within the family system and across generations if justice, reparation and recovery is not facilitated. This also provides a context for coercion and the misuse of power and cultural values.
- (iv) Children (adult children as well as young people) are very impacted by the emotional distress of parents. Therefore, when a parent is expressing emotional distress because of their child's reluctance to marry, the child may feel compelled to 'consent' to stop suffering and to maintain connection to their primary attachment figure.
- (v) Conversely, communities impacted by trauma can be desensitised to tragedy and violence, particularly when state sanctioned violence has been protracted. In this context, the risk of criminal conviction may not be a deterrence. Legal expertise within cultural communities with an experience of forced marriage, may be able to advise what mechanisms (such a mandatory education programs) will be a more effective intervention than criminal conviction.

Any responses to forced marriage must be complex and collective trauma informed to have effective impact and to minimise re-traumatisation.

Collectivism, "good wife" expectations and coercive control

The vast majority of refugee background communities are collectivist in nature which means that each individual's sense of identity, well-being and value is intrinsically merged with their families and others in the cultural or faith community. Any decision making frequently requires consideration of the needs of the collective. It was commonly reported from QPASTT staff that most young people are aware of their rights and the laws which protect those rights, however this can be meaningless if



harm will come to family members. The collective culture means that it is necessary to compromise/sacrifice self for the greater good of the collective. This sacrifice is expected and it can be extremely difficult to navigate personal and collective identity boundaries in that context. Many who are victim survivors or threatened with forced marriage don't want to lose their family and don't want to hurt their family – there is a complex mix of love for family, fear of loss of family and community, fear of dishonour and shame. This means that for many, there is a “double bind” whereby the complex interplay of conflicting costs and benefits can make the thought of taking action almost impossible. This double bind also contributes greatly to the experience of emotional distress, especially when the complexity of this situation fails to be recognised by responders or those providing options and supports. It can lead to paralysis and risky levels of distress if the victim survivors perceives that there is no way to win and no way out.

A common practice observed is the use of marriage to control the behaviour of young people, mostly women, when their behaviour is deemed to be “too westernised”, “dishonourable” or “naughty”. Forcing young women into marriage and parenthood is believed to be a control mechanism, to ensure that they are not influencing other young people into dishonourable behaviour. Below is a direct quote from an Iraqi community member:

Families all have different standards of what it means to be a daughter, to be a wife one day, and a parent. Families have different thresholds for what it means to compromise honour or act dishonourably. If a girl slips in behaviour or attitude outside of these expectations, then the family intervenes and marries the girl to get her under control. To not do so would be seen by the community (or perceived to be seen) as encouraging other girls to act in a dishonourable way.

Violence, control and coercion can exist in family relationships where the wife being considered the property of the husband, and expectations that the husband will control the wife. In these circumstances, girls or women may expected to bear children; if they are resistant or do not become pregnant relatively quickly, they can be returned to their family of origin labelled a ‘bad wife’ and can be subjected to ridicule and shame. Similarly, if there is any marital dispute, the husband can return his bride to her family who may abandon her due to loss of honour, shame and cultural humiliation. It is often considered dishonourable to leave a marriage regardless of the degree of abuse perpetrated, which can lead to the husband and his family members pursuing the wife and punishing her for escaping. Due to limited resources and often the lack of proof of legal guardianship of children, many girls or women cannot escape these marriages with their children. The women who do escape such situations often live in constant fear of being found and the retaliation that will follow. When women and girls seek support from community members, they have been propositioned, denigrated and exposed by those community members.

The retaliation risks are broad. QPASTT staff and community members recall retaliation situations disclosed by clients and community members, where family members have been killed or beaten, brakes cut on cars with the aim of causing potentially fatal accidents, and rocks thrown through windows to intimidate. They have been subjected to salacious gossip, false accusations and character denigration, or more subtle insidious forms of retaliation such as increased surveillance or exclusion from opportunities in community. While it is essential to recognise that the risk from honour killing is still a practice within some communities, this cannot be viewed as a generalised risk. Each person's individual circumstances need to be assessed. Additionally, the social skills, trauma impacts, and developmental age of the victim survivor may mean that they have limited interpersonal resources and skills to independently escape their situation.



Education as a protective factor

International studies indicate that education is a consistent protective factor against child marriage and have led to initiatives to incentivised girls continued engagement in school². In many cultural communities residing in Australia, education is valued. Young women in these communities can use participation in education (secondary school and tertiary education) to postpone family pressures to marry. However, this is not unconditional protective factor: Families can become more insistent at point of graduation, or in situations where a young woman is struggling academically, pressure to marry can increase.

Education was also frequently identified by staff and community members as being a key component in trying to shift broader community attitudes and expectations, particularly with younger generations engaging in tertiary education and being exposed to broader world views, diverse scientific, social and cultural knowledge. All cultural communities will evolve over time; as each community has greater exposure to a diversity of world views and knowledge in Australia, community attitudes will shift and change.

Traditional perception of girls as financial burden persists in some ethnic groups, which justifies marriage and forced marriage to whom the family believes is a 'good match'. This is more acute in situations where daughters are unable to contribute to the family's finances, and when dowry is paid to the bride's family. The family can believe that forced marriage is in the best interest for all involved as it is in the status of marriage that a girl or woman has value. Community acceptance of this perception creates a barrier for girls' consent to be taken into account. Again, education to transform perceptions of the value of women and girls can be beneficial in shifting community acceptance of forced marriage. Such education needs to engage both men and women if it is to move whole of community norms and expectations.

Young people and younger adults within many refugee communities are eager to lead a transformation of cultural attitudes. According to the consultation we have undertaken, youth work and counselling disclosures, it appears that the practice of forced marriage is more common in Afghan communities. In response to this, emerging community leaders from Afghanistan expressed to QPASTT a strong desire for a national advisory body to be established with a diverse membership of traditional cultural and faith leaders as well as many younger professionally educated community members from legal, research, health and education disciplines. Such a body is believed to be able to progressively represent the needs, beliefs and future ambitions for the community. They are eager to advise government and civil society on the development of programs to address forced marriage, sexual violence, domestic relationships and parenthood.

² Harrison, A. (2023) [Evidence review: child marriage interventions and research from 2020 to 2022](#). Advised by the Child Marriage Research to Action Network (CRANK), UNFPA-UNICEF Global Program to End Child Marriage and UNICEF-Innocenti.

Section Two – Response to proposal for consultation

1. Are these [the four-part model] effective options to improve nationally consistent responses to forced marriage? Are there different options that should be considered?

The four-part model for enhancing civil protections and remedies for forced marriage proposed is (i) building a shared understanding of forced marriage as a form of family and domestic violence (ii) enhancing education and awareness raising (iii) strengthening forced marriage civil protections and remedies and (iv) enhancing support services through the soon to be established Forced Marriage Specialist Support Program (FMSSP).

The four parts of the model are useful and considered options for addressing forced marriage in Australia, however the model appears to be largely reliant on engagement and capacity building with the service sector and institutions. Forced marriage is a social harm arising from families, faith and cultural communities. Therefore, to most effectively address this issue and successfully reduce or prevent forced marriage, the long-term target of change needs to be families and communities. Legal mechanisms, either criminal or civil, are not disincentives that are able to drive the broad behaviour and attitude change required to stop forced marriage. These mechanisms are frequently a disincentive for victim survivors to report or seek help, as many do not want to cause harm to their family members or face the possibility of being ostracised from their families or cultural/faith community. Long term, the ultimate aim would be for interventions designed and implemented by communities themselves.

Due to the deeply sensitive nature of family relationships and marriage that is frequently embedded in expressions of cultural and faith identity, engaging with families and communities requires slow, careful, long-term collaboration with allies within cultural and faith communities. This ensures education and engagement is culturally nuanced and appropriate, and allows a better reach into those families and communities. The small informally structured community-led groups such as craft and prayer groups, informal language classes, and sports teams are ideal places to begin conversations, in a manner that is acceptable and digestible for community members. For example: Afghan culture has strong oral/storytelling practices, and information spreads through word of mouth between community members, when it is initially received by a trusted source.

Allies within a community who take a leadership or collaborative role in this work need to be:

- trained in areas like legal and civil mechanisms, solidarity approach to peer support, and culturally informed community organising. And this training needs to be formally recognised through a certification process or similar
- supported through resourced peer networks, mentoring and supervision similar to other professional practices within social work and psychology
- be informed of potential risks, and able to access safety planning and offered protection, if and when needed
- appropriately paid in recognition of recognising their lived expertise – ideally in employed positions within project teams
- resourced to lead the community facing engagement in peer teams

Each community is unique in its experience of displacement and migration, which strongly influences collective identity, norms and social rules. This means that for each community engagement



approach, localised knowledge and relationships need to be built. Programs responsive to local needs can be designed to address negative stereotypes, showcase strength and resilience in survivors and to destigmatise help-seeking behaviour.

Services that have the regard and trust of community can collaborate with allies and informal community organisations and grass roots groups to engage with community members in awareness raising and education. In this work, each service's primary focus needs to be on scaffolding practical, legal, organisational and professional support for community based allies, and working alongside allies in a genuine partnership to deliver community engagement initiatives.

Community capacity building work requires a program approach and a set of skills that are notably different from sector/institutional training or capacity building. Effective community capacity building requires relationally based co-development of knowledge with community members. Community based conflict transformation models such as the "Three Circles of Knowledge" from Zimbabwe³ offer a process for facilitating the exploration of an issue using traditional, spiritual and analytical knowledge, and seeking to transform conflict through skilful communication and engagement strategies (ibid).

If this is to be within the scope of work of the FMSSP, careful consideration of how to make place based, long-term partnerships viable from a national network is essential. This is particularly important if FMSSP has time limited funding and is centralised in a capital city in Australia. If this work is outside of the scope of the FMSSP, then this indicates a considerable gap in a national strategy to prevent and reduce forced marriage.

The model presented does not identify an explicit strategy to build a robust body of evidence on the breadth of forced marriage in Australia, irrespective of engagement in the range of criminal or civil mechanisms and supports proposed. It is likely that even with extended civil mechanisms, under-reporting or help-seeking to services will continue to occur, particularly when the marriage has occurred outside of Australia and may be the basis of visa status or a humanitarian claim. Without a robust body of evidence, the drivers and pathways that enable forced marriage will not be adequately detected and understood. This will inhibit community initiatives and service responses.

Given that forced marriage is predominantly an issue amongst migrant communities in Australia, consideration needs to be given to the interventions and knowledge that is being developed in countries grappling with the same challenge. International research on the effective strategies to reduce child marriage practices indicates multi-focused strategies to keep girls in high quality education. Such research is effective in reducing child marriage rates⁴. However, this work needs to be complemented by engagement with underlying social norms and attitudes to address "demand-side" pressures of child marriage and ensure sufficient social protection for girls to exercise agency, choice and control.

³ Westermann, E J (2008) *The three circles of knowledge: How to build constructive community relations by understanding conflicts in rural African communities*. Chikukwa Ecological Land Use Community Trust (CELUCT).

⁴ Harrison, A. (2023) [Evidence review: child marriage interventions and research from 2020 to 2022](#). Advised by the Child Marriage Research to Action Network (CRANK), UNFPA-UNICEF Global Program to End Child Marriage and UNICEF-Innocenti.

Part 1: Building a shared understanding of forced marriage as a form of family and domestic violence to improve victim-survivors' access to family and domestic violence services

2. Should forced marriage be recognised as a form of family and domestic violence? Why?

In practice, it appears that forced marriage is frequently recognised as a form of family and domestic violence, particularly in situations where there is continuing violence and coercion within the forced marriage relationship. It is unclear if this is equally applied in situations where there is no discernible violence or ongoing coercion in the marriage relationship and the pressure or coercion from family of origin has reduced after the marriage occurred. QPASTT encourages efforts for forced marriage to be recognised as a form of family and domestic violence, as the benefits of recognising forced marriage as a form of family and domestic violence include:

- recognition of the impact of fear, violence, emotional manipulation and coercion on individual victim survivors within a systemic gender and human rights framework that requires micro (interpersonal) and macro (whole of society) action
- detailed risk assessment and safety planning skills in family and domestic violence services and responses – notwithstanding the need for these skills to be suitably applied in situations of cultural complexity and when multiple actors are involved both in Australia and overseas
- wraparound psychosocial supports that are common in family and domestic violence responses which are often what people escaping forced marriage require

There are five significant elements that we wish to address with regards to the FDV support systems and sector:

- (i) It is crucial to note that the quality of the victim survivor experience is dependent on the experience, cultural and trauma responsiveness and attitude of the FDV worker and service. QPASTT notes the national FDV workforce shortage, which often means that under-experienced professionals are building competency in role. We emphasise that several victim survivors report they want to be offered service support from people of familiar cultural backgrounds to themselves. This can provide a sense of cultural safety while responding to the complexity of their experience and navigating the tension between maintaining collective identity and individual identity. QPASTT strongly recommends consistent strategies to attract a diverse workforce to this sector, along with continual cultural responsive practice training and support to be provided to the community, law enforcement and legal sectors.
- (ii) While there are conditions in regional areas that offer a positive settlement experience⁵, there are also service delivery barriers for complex and sensitive issues such as forced marriage. Several humanitarian populations with significant histories of persecution and harm reside in regional locations, where they have been able to establish themselves removed from historic ethnic tension with other cultural or faith communities. Such communities can maintain “closed” or restricted interactions with others which is frequently perceived by community members to be a protective behaviour – and understandable in the context of historic persecution or genocide. However, as detailed in section one above, this

⁵ Piper, Margaret (2017) *Refugee Settlement in Regional Areas: Evidence-based good practice*. Published by the Department of Premier and Cabinet

also can create an environment where coercive control thrives. In Queensland, new linguistic groups for which there are (initially) no accredited interpreters have been settled in regional areas (e.g. Yazidi speaking community placement in Toowoomba, Sango speaking community placement in Townsville). This is a substantial challenge for settlement and service provision across all psychosocial domains. Additionally, Woman at Risk (204) visa holders are frequently settled in regional areas and have been identified by staff and community members as being at risk of exploitation and manipulation by more established male led communities. Consistent feedback from staff and community members is that regional services are underdeveloped and not able to sufficiently respond to this complex and sensitive issue.

- (iii) Many FDV systems and services prioritise people who are willing to escape abusive relationships. If this is not what the victim survivor is willing or ready to do, there is an assumption that there is nothing that the FDV service can offer. What is frequently stated by victim survivors of forced marriage or those at risk of forced marriage is that they just want the coercion and pressure to stop, they want to have agency, choice and control over their future, and they want to maintain family and community relationships on their own terms. This is addressed further in response to question 4 below.
- (iv) Crisis shelters are rarely designed with faith and cultural diversity in mind. QPASTT has previously addressed this in [response](#) to the Department of Social Services Safe Places Emergency Accommodation Program Discussion Paper.
- (v) The threat of harm and actual harm to family members overseas has been reported numerous times by victim survivors. Recognising forced marriage as a form of FDV does not provide protection mechanisms to family members overseas. Failure to protect and the exposure to harm for family members in Australia and overseas is a barrier for victim survivors to leave the forced marriage.

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

In addition to the above, recognising that victim survivors of forced marriage, including those at risk of forced marriage, may not perceive their experience as a form of family and domestic violence. This would strongly influence to whom and from where they seek help, and also the kind of help they request. Culturally safe (ideally peer led) service navigation is essential - currently many social systems, notably government services, are too complex for people to navigate independently.

4. What enhancements or additional guidance might be needed to help family and domestic violence services more consistently recognise forced marriage as a form of family and domestic violence?

As stated in response to the questions above, we recommend addressing a range of improvements to FDV service response to continue to expand the responsiveness to forced marriage, particularly in regional areas. As stated in section one above, QPASTT believes it is essential for all responses to forced marriage be complex trauma informed, and recognise the complexity of collective trauma within the community that the victim survive comes from. In practical terms this means:



- Consideration of cultural and faith connections and identity, with awareness of loss and grief, and sufficient safety planning
- Consistency of workers over time, with thorough handover and warm referral to additional services to reduce victim survivor re-telling of story
- Predictability of service delivery, with advance planning of service transitions
- Maximising victim survivor choice, control, agency and dignity – regularly checking of consent for information shared to third parties, when referrals are made, and at decision points
- Acceptance, validation and normalisation of trauma responses
- Appropriate briefing for lawyers, police and other professionals to ensure they are aware of the psychological safety supports the victim survivor requires
- Use of qualified interpreters who speak the victim survivors dialect, prioritising use of interpreters from outside the local cultural/ethnic community – use of false names when engaging interpreters, using interpreters from interstate, developing a language guide for interpreters to ensure that terms used are not derogative
- Support and debriefing for interpreters when required

For victim survivors who do not want to engage in civil or criminal legal processes, it is strongly recommended that support provisions have a dual focus on building independence (financial, life skills, education and employment) and safety planning. Staff and community members consistently identified that building independence was a protective factor for the victim survivor to remove themselves from a situation of risk. However, it is in this period of independence building and increasing awareness of their exploitation that the victim survivor can be at heightened risk. Safety planning that includes trusted supports must be well coordinated, and consistently revised as circumstances change. It is important to ensure timely access to immigration legal advice and visa pathways for those in precarious immigration situations. This should be coupled with well-being and mental health support responsive to the double bind distress of forced marriage.

As detailed in the case studies in part one, victim survivors describe a transformation of their sense of self and personhood. While this can be ultimately liberating, it also includes painful experiences of loss, loneliness, fear, anger and guilt. This intrapersonal transformation requires long-term consistent specialist trauma informed and culturally safe support. Without such support, the mental health and wellbeing of victim survivors can be adversely impacted, and potentially can exacerbate intergenerational trauma.

It would be highly beneficial for FDV services to understand the pre-arrival circumstances of people from refugee background, particularly women and their children. It has been identified that such women, particularly those with young women and girls, can be targeted by community members and coerced into forced marriage relationships by socially “protected” community members. As such it would be highly beneficial for FDV services to understand the refugee journey, and common experiences of refugee background cohorts such as those on Women at Risk visas and those seeking asylum.

Protection provisions for allies, advocates and supporters within the community of the victim survivor is essential to preserving the safety net surrounding the person and over time as more community members can provide protective support for those at risk of forced marriage, the cultural narrative of this practice will change.

Finally, establishing a specialised settlement support program to respond to the needs of forced marriage victim survivors would be highly beneficial. Such supports could provide tailored, informed



complex case management alongside FDV services, and specialised trauma/mental health services such as those provided by the FASSTT agencies nationwide.

Part 2: Enhancing education and awareness raising

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

Forced marriage intersects a range of issues including perception of marriage and family obligation, healthy relationships, parenting, sexual health and wellbeing, trauma recovery and mental wellbeing. All these topics relate to openness to different ways of thinking and decision-making approaches within families, and can be very beneficial for addressing stigma that prevents help seeking. Additionally, understanding human rights, and state and federal government initiatives relating to rights and responsibilities for all family and social relationships would provide a framework of expectations within which focused topics may be explored. Education and awareness programs with incentives such as recognised qualification/certification would formally build the capacity of community to engage as a stakeholder in the future health and wellbeing of the community. It also can provide legitimacy and authority for community members.

6. Who should be involved in education and raising awareness in communities affected by forced marriage?

This topic has been addressed at length above in response to the question one. It is essential that engagement with community is co-designed and co-delivered with members of that community, particularly allied faith and community leaders to ensure that the content is founded in faith and cultural knowledge to ensure it is suitable for community.

To emphasise this: while forced marriage seems to be a more common practice within Muslim faith communities, educated members of Afghan community have explained that the Koran is clear that consent is essential in marriage which is why within the marriage ceremony consent is sought three times. However, literacy is a significant barrier to challenging forced marriage within Islamic communities where members are not able to read the Koran and are reliant on the religious teachings of faith leaders. These congregations are guided by the teachings at the Mosque which can be manipulated to serve a conservative agenda of coercive control of children, young people and women. Using faith-based source material can be essential in challenging unhelpful interpretations of religious teachings.

Workers, particularly bi-cultural workers, that lead this work with community need to be protected and supported as they are likely to be targeted by resistant community members, threatened with ostracism and exclusion from community. Training for workers needs to include an understanding that this is not work for individuals to do alone; rather, it needs to be done through alliance building and a commitment to act in collective solidarity to protect self and others. Additionally, as already stated above, workers need access to reflective supervision, debriefing and organisational support to engage in this work, particularly if they have had an experience of forced marriage within their own family or close community.



7. Which groups in the community require education and increased awareness of forced marriage (e.g. frontline workers such as police, child protection and/or specific cohorts within the community)?

There needs to be clear pathways for supporters, engaged bystanders and advocates to ensure victim survivors are directed to an FDV response adapted to their circumstance and desires. This includes connection to ‘soft’ entry points, such as school or playgroups⁶, to help seeking that are frequently located in familiar contact points in a person’s life. This requires a society wide capacity building of when to sensitively raise questions about safety in interpersonal relationships and in families, and next steps to connect to appropriate supports. As such, QPASTT recommends that training on forced marriage continue throughout Australia, with targeted engagement with first responders (particularly paramedics and hospital emergency department staff), schools, vocational training centres, AMEP providers, early childhood providers, parenting support services, community wellbeing, settlement and medical professionals.

In collating this response, there was positive feedback from staff who had completed the *Speak Now/Anti-Slavery Network* training and resources:

- *Consent Spectrum* – this is useful in understanding the degree of emotional coercion or pressure to participate in a force marriage. Using this spectrum could help workers understand signs and give themselves permission or knowledge to ask more questions in particular situations.
- *Mind Map* – this is useful for the range of considerations and questions that would be valuable to ask (workers express regret that they didn’t know this earlier as could have intervened in historical cases).

Generally, decisions or plans about marriage are kept private and the information stays within the family. Both the above resources were reported to be beneficial in normalising talking about consent and marriage in families, and starting to encourage a generational difference between expectations and behaviours.

Part 3: Strengthening civil protections and remedies

Please note: QPASTT’s response to this part of the consultation questions is limited as there is not sufficient experience and knowledge of legal protections and remedies.

Questions related to victim-survivor agency

The response to the questions on victim survivor agency are best made by those with lived experience. While there would be sensitivities in establishing a forced marriage lived experience advisory group, such a group would be highly beneficial for the development of policy, services and civil protection mechanisms. Such a group should be diverse in membership to be informed by the diverse ethnic, faith, gender, region and age experiences of forced marriage victim survivors. Should

⁶ AIFS (2017) [Supported playgroups for parents and children](#). Family Matters 99.

an advisory group be established, the confidentiality of group members would be essential as well as financial compensation and wellbeing support for participants.

Risk factors and barriers to seeking support

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?

Barriers to seeking support have been identified throughout the paper and in particular in case study one. In the words of a community member, staying with family in a forced marriage can be “better the devil you know” than leaving the family and cultural community to step into a terrifying unknown circumstance, unknown systems and services. Strategies to address these barriers include:

- Supports offered by staff who are as familiar as possible to the victim survivor, or desired by the victim survivor
- Increase understanding of and supports for people who do not want to leave the marriage or family – create a spectrum of supports to match the spectrum of choice with an emphasis on building independence
- Increase awareness of support options available BEFORE a crisis as exemplified in case studies 2 and 3, with multiple soft entry points, service navigation support for victim survivors, bystanders and advocates
- Protection of community members who are advocates and supporters of victim survivors
- Protection of resident/visa status for those who have been coerced to use falsified identity documents for visa purposes, that allows for a full complement of access to health, education, housing and social security support
- Long term community engagement led by allies in the community to turn the tide of broadscale community support to protect victim survivors and prevent forced marriage

27. What risks and barriers might a person face if they seek protection through legal systems? How can these be mitigated?

The risks and barriers have been detailed in the previous responses. As detailed above, these risks can be mitigated by:

- Effective use of interpreters to provide confidential language support in appropriate dialects
- Culturally Responsive practice, including an understanding of the refugee and asylum seeking experience
- Protection of family and community members
- Complex trauma aware practice as detailed in question 4
- Comprehensive wraparound risk assessment as detailed in question 4
- Briefing for lawyers and law enforcement officers as detailed in question 4

