

Forced Marriage: New Findings and Further Techniques for Helping Survivors

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Tahirih's Forced Marriage Initiative

- Created in 2011 to galvanize a national response to the problem of forced marriage in the United States
- Multi-faceted approach:
 - 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
 - Direct services and technical assistance



Forced Marriage Situations –Services Provided by Tahirih

- Legal and social services available to individuals facing or fleeing forced marriage situations in local service areas (VA)
- Risk assessments/safety planning, and coordinated referrals and support for individuals facing forced marriage (nationally)
- Technical assistance to service providers, law enforcement, and other in forced marriage cases (nationally)
- Provide trainings, education, and outreach (nationally)



Defining "Forced Marriage"

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

Lack of consent can be caused by an individual being:

- Younger than the legal age to marry
- Subject to some other incapacity or disability
- Subject to force, fraud, or coercion

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



Forced Marriage: Frequently Asked Questions

- Who is at risk of forced marriage in the US?
- Is forced marriage sanctioned by any particular religion or culture?
- What motivates or triggers a family to force an individual into marriage?
- What tactics are used to force someone into marriage?
- What are barriers to seeking help?



Forced Marriage and Citizenship/Immigration Status

An individual's status can influence the type of situation they are in, threats faced, and remedies available:

- United States citizen
- Legal Permanent Resident
- Other visa holder (student, work, etc.)
- Individuals without status



Forced Marriage and "Honor" Based Violence

Honor Based Abuse - "An incident or crime which has or may have been committed to protect or defend the honour of the family and or community"

- It is a collection of practices, which are used to control behavior within families to protect perceived cultural and religious beliefs and/or honour.
- It can be distinguished from other forms of violence, as it is often committed with some degree of approval and/or collusion from family and/or community members.

- UK Crown Prosecution Service/Metropolitan Police



Forced Marriage and Human Trafficking

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



Forced Marriage – "Typical" Tahirih Cases

- Individuals tentative about seeking help/taking action
 - Depression, decision "paralysis"
 - Lack of independence, constrained sense of options
 - Fear of consequences to self/family
 - Lack of knowledge about US laws/resources that could offer protection
- Threat is from many sources
- Urgency – facing imminent travel abroad
- "Reluctant sponsor" scenarios
- Complications when cases involve minors



Research and Resources on
Forced Marriage in the US



Tahirih Justice Center:
**National Survey on Forced Marriage in Immigrant
Communities in the United States (2011)**

- Tahirih research found that forced marriage is a serious and underreported problem in the United States; respondents identified **as many as 3000 cases** of forced marriage in the prior two years.
- Showcased lack of resources and service provider challenges in responding to the issue; and highlighted diversity of individuals impacted by issue, and range emotional, economic, and physical violence/threats experienced by survivors.



<http://www.tahirih.org/advocacy/policy-areas/forced-marriage-initiative/>

Sauti Yetu Center for African Women and Families:
**Forced Marriage in African Immigrant Communities in
New York City (2012)**

- Findings highlight the lived experiences of African immigrant and refugee girls living in New York, highlighting their experiences and decisions as they work to balance the conflicting expectations and hopes for their lives.
- Offers recommendations for policy and practice to prevent forced marriage and provide support for survivors (including screening protocol).



<http://victimsofcrime.org/docs/nat-conf-2013/handout-2.pdf?sfvrsn=2>

**Gangashakti:
Voices From the Frontline – Assessing Forced
Marriage within the United States (2013)**

- Findings from surveys of college students, domestic violence professionals, and refugee service providers, as well as case reviews and interviews with front line service providers.
- Illustrates many challenges that survivors, their support networks and service providers face in meeting needs in forced marriage cases.

http://www.hks.harvard.edu/cchrp/research/working_papers/VidyaSri_VoicesFromTheFrontline.pdf



Upcoming Research and Additional Resources

- Urban Institute Justice Policy Center/Tahirih Justice Center: Exploratory Research into the Intersection of Forced Marriage, Intimate Partner Violence, and Sexual Violence (ongoing).
- www.PreventForcedMarriage.org – Resource library with archived research reports, journal articles, news clips, webinars, etc. related to forced marriage in the US (as well as resources from the EU, Great Britain, Canada, Australia, etc.)



**Warning Signs and Screening For
Forced Marriage Situations**



Warning Signs that an Individual May Be Facing a Forced Marriage

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 ("house arrest" by parents)

Health Issues:

- Anxiety, depression, isolation, emotional withdrawal
- Self harm or attempted suicide
- Accompanied by family members to doctor visits
- Early/unwanted/concealed pregnancy
- FGM, virginity tests



-UK Multiagency Practice Guidelines: Handling Cases of Forced Marriage (2009)

Warning Signs that an Individual May Be Facing a Forced Marriage

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/siblings reported missing

Education/Employment Issues:

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



-UK Multiagency Practice Guidelines: Handling Cases of Forced Marriage (2009)

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



Screening for Forced Marriage Situations

DO:

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



Screening for Forced Marriage Situations - Important Considerations

DO NOT:

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



Responding to Forced Marriage Situations



Why do Risk Assessment/Safety Planning with forced marriage clients?

- Survivors and those at risk of violence are the best judges of the dangers they may face due during future confrontations/violent situations.
- Time to present and explore options that the individual at risk is unaware of, or unsure of how to act on.
- Acts as a guide for individuals at risk during high pressure situations, and create a map/framework for safely relocating.



How To Begin: Safe Communication

Things that can be insecure and tip off abusers/perpetrators that a person is reaching out for help include:

- Email
- Cell/smartphones (making calls, texting, using apps, etc., esp. if on family plan)
- Computers (both family and personal laptops)
- Cars



Safe Communication in Forced Marriage Cases

- **Email** – Caution against using old email account when working with advocates, take care where accessing (i.e. home/family computer)
 - Set up new, completely anonymous account to send mail
 - Use IP masking program (TOR) if relocating
- **Phone** – Smartphones can be easily hacked, GPS/other apps may be active without survivors' knowledge
 - Current phone - family or individual plan (i.e. who sees bill)? Who has access to the phone? Does anyone monitor calls/emails/texts?
 - Get second, secret phone (i.e. pay-per-minute/Hopeline)



Safe Communication in Forced Marriage Cases

- **Facebook/Social Media** – Can be used to locate/harass survivors, photos/search can connect new/old accounts
– http://www.medv.org/downloads/SafetyNet/NNEDV_Privacy_and_Safety_on_Facebook_Guide.pdf
- **Computers/tablets** – Family vs. personal, concerns re tracking software/ internet history searches
– <http://www.medv.org/resources/safetynetdocs.html>
- **Mail** – Do not use USPS change of address form if relocating!
- **Identity Change** – Very complicated process, old and new identity can connect; please seek technical assistance!



Information about the Individual at Risk

- Gather documentation – copies or pictures of:
- Identification Document - drivers License, passport(s), birth certificate, etc.
 - Immigration Documents – green cards, citizenship papers, visas, etc.
 - School records – diplomas, graduation certificates, etc.
 - Court records – marriage, divorce, custody orders, etc.



Safety Planning: Family History and Networks

- Gather as much information as possible about the individual's family history and networks:
- Map family/community members potentially involved in the forced marriage situation – both domestically and overseas.
 - Who is putting pressure on the survivor? What individuals enforce family decisions? Who does she see as an ally in the family? why?
 - Save proof of threats and/or abuse – emails/texts from the family and other perpetrators



Safety Planning: Assessing the Risk

- Discuss survivor's history – when have situations of violence/serious threats arisen? What happened in those situations? How did things escalate/de-escalate?
- Ask survivor what her gut instincts are about future situations:
 - Is violence escalating?
 - What will happen if she refuses or resists demands?
 - What if she is caught planning an escape/relocation, or actually leaving?
 - How does she think she can best protect herself (often based on past experience surviving)?



Safety Planning: Exploring the Survivor's Strengths and Wishes

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



Safety Planning: Critical Items

- Things to keep on/ near person at all times:
 - Identity/important documents (license, passport, marriage/birth certificate, financial cards and documents, etc.)
 - Medications
 - Cash
 - Other essential personal items (change of clothes, pictures, etc.)
 - Back up cell phone/calling cards
 - Separate list/scrap of paper with key numbers and contacts



Situations to include when safety planning in forced marriage situations

- If there is immediate danger or a violent incident at **home**.
- If there is immediate danger or a violent incident at **work**.
- If there is immediate danger or a violent incident at **school**.
- If there is immediate danger or a violent incident while **in public/in transit**.
- In preparation for, during, and after **relocation**.
 - Including Plan B's in case the relocation/escape is stopped, interrupted, or survivor changes their mind.



Safety Planning: At Home

- What is the home layout (how can someone get in?) and routes to get out.
- Identify high risk places to avoid in the home (kitchen, garages, basements, rooms with only one entry/exit).
- Where they would go if they had to flee – i.e. is there a safe, well lit, public place nearby? A trusted neighbour?
- Does presence of others in home increase/decrease risk? Can schedule be adjusted to make visits to home safer?



Safety Planning: At Work/School

- Does the survivor think they are already being monitored/followed?
- How can perpetrator/abuser access work/school grounds and buildings?
 - Is building secure (reception/security in lobby/office? passkey or code to get in?)
 - What if a strange party asked to see/speak to an individual at risk?
 - Are there any unmonitored/unsafe places where the survivor could be confronted (public garages, etc.)?
- How would the individual safely exit the grounds and building? Can they vary their route? Is there a place where perpetrators/abusers could be waiting for them?
- Are there security/other trusted persons at work/school that could be notified about the situation in advance?



Safety Planning: In Public/Transit

- How does the survivor currently get to school/work and generally move around their community?
 - Car
 - Public Transit
 - Walking
- Are the routes they take well lit, populated? Could there be changes in the means of transit/route that improve their safety?
- What will they do if confronted in public?



Tips for Successful Relocation

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



Take a Survivor Centered Approach

Process of help seeking and trying to stop/exit forced marriage situation can be extremely traumatic - the survivor may be:

- Leaving only home she has ever known
- Lacking in life experience and resources – never had a job, managed money, lived outside the family, etc.
- Fearing for siblings, friends, pets, etc. who were left behind
- Facing conflicted feelings about family/those she loves and worried about her future

Be ready for "second thoughts" and backtracking on decisions!



Emotional Safety Planning

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

How you can help:

- Prepare for responses from family, friends, and community, and explore how these will impact survivor
- Discuss decision making process when survivor is under pressure – what is needed so that individual has space, time, and support needed to make safe decisions?



Case Scenario



Forced Marriage Situations: Using Criminal and Family Laws to Protect Survivors and Individuals at Risk



Current Legal Framework in the United States

Federal level: No federal laws; State Department protocols

State level: Criminal offense in 10 jurisdictions (CA, DC, MD MN, MS, NV, OK, VA, WV, and Virgin Islands)

Additional Legal Challenges:

- Federal-state division of authority (i.e. differing state age of marriage laws)
- Limitations of federal agency mandates
- US immigration law is entangled with criminal law
- US Constitution preferences parents' rights



Local State Marriage Laws

- In DC – the legal minimum age is 18 to consent to marriage; 16 with parental consent.
- In Virginia – the legal minimum age is 18 to consent to marriage; 16 with parental consent; younger minors can marry in cases where there is judicial consent and/or pregnancy.
- In Maryland – the legal minimum age is 18 to consent to marriage; 16 with parental consent; 15 in cases of pregnancy and with judicial consent.



Criminal Laws Addressing Forced Marriage: Virginia

VA Code Ann. Section 18.2-355

Any person who:

(2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace, or duress to marry him or her or to marry any other person, or to be defiled [...] is guilty of a Class 4 felony.



Using Domestic Violence/Family Abuse Laws in Forced Marriage Cases

DV/Family Violence laws can also protect against many of the actions used by a family in such cases, as well as cover the marriage itself...

- Example: Definition of "Family Abuse" in Virginia - *any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.*



Potential Legal Remedies in DC/VA/MD for Adults Facing or Fleeing Forced Marriage Situations

- Prosecution of Perpetrator under Criminal Laws (i.e. related to forced marriage, family abuse, kidnapping, etc.)
- Accessing Protection Orders
- Obtaining a Divorce or Annulment (if already married)



Minors & Forced Marriage - Roadblocks to Help

A minor being threatened with a forced marriage by her parents is in a most vulnerable position:

- Under the U.S. Constitution, parents have the right to the care, custody and control of their children - i.e. the absolute right to make decisions for their children, unless and until those decisions are deemed to be harmful to the child.
- This includes decisions regarding religion, school, travel, and access to phones/internet



Legal Challenges For Minors

- Lack of knowledge of rights/protections
- Lack of evidence of threat of force or marriage
- Perceived lack of capacity/standing to initiate court action:
 - The minor may not be able to bring herself – may need a guardian or next friend
- Law enforcement defers to rights of parents
- Failure of the state laws to provide the necessary protection:
 - Narrow definitions of abuse, neglect, CHINS



Additional Challenges for Minors

- Forced marriage cases may not be initially perceived as falling under the mandate of Child Protective Services
- Shelter/alternative housing options may be limited:
 - Shelters general have mandatory reporting to CPS
 - The ability to be removed from the home pending Protective Order or other hearings is limited
- Risk of repercussions if unsuccessful (i.e. if minor is returned to family home after reaching out for help/initiating legal proceedings)



Options for Protecting Minors Facing Forced Marriage

As discussed in prior slides, a minor can petition for a Divorce or Annulment if they are already married, and perpetrators can be potentially prosecuted under criminal law

Additional Remedies for Minors:

- Protective Orders
- Child in Need of Services
- Guardianship
- Abuse and Neglect
- Emancipation



Responding to Forced Marriage Situations Involving:
Imminent Travel Abroad
&
Reluctant Sponsors



Threat of Imminent Travel and
Forced Marriage Abroad

- The threat may be explicit or only suspected:
 - Individual may not know when/if travel will occur
 - Parents may say upcoming travel is for another reason
- Imminent travel may trigger individual to seek help
- Victim may feel they have no choice – threats against themselves, family members, or others if they do not comply



Risks of Going Abroad

- Difficulty communicating:
 - may not know language/dialect in region
 - limited access to email/internet, phone, and post services
- Passport, ID documents, money may be taken away
- May be taken to remote area – making transport, location by US/local authorities difficult or hazardous
- Lack of protections under law and from local authorities
- Less/no social services, shelters, or support options



Assisting Individuals Facing *Imminent* Travel Abroad

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



Reluctant Sponsor Scenarios: Challenges to Withdrawing a Visa

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



Case Scenario



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

Please visit:
[www.tahirih.org/advocacy/policy-areas/
forced-marriage-initiative/](http://www.tahirih.org/advocacy/policy-areas/forced-marriage-initiative/)
www.PreventForcedMarriage.org

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