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**Forced Marriage 101**  
*National Network to Prevent Forced Marriage Webinar*  
*December 17, 2014*

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**About the Tahirih Justice Center**

The Tahirih Justice Center is a national, non-profit organization that protects courageous immigrant women and girls who refuse to be victims of violence.

We elevate their voices in communities, courts, and Congress to create a world where women and girls enjoy equality and live in safety and with dignity.

Founded 1997 with offices in the Washington, DC area, Houston, TX, and Baltimore, MD.

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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:
  - Direct services and technical assistance
  - Outreach, training, and awareness-raising
  - Coalition-building and collaborative problem-solving
  - Drafting recommendations for legal and policy change
  - Developing best practices and practical tools
  - Research

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Overview of Forced Marriage in the United States



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Defining "Forced Marriage"

*A marriage that takes place without the 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.*



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Does Forced Marriage Really Happen in the United States?

2011 Tahirih national survey showed that Forced Marriage is a serious and underreported problem in this country:

- Over 500 respondents in 47 states identified as **many as 3000 cases** of forced marriage in the prior two years
- Documented front line responders' experiences; diversity of impact, and range of tactics and violence experienced by survivors



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**Who is Impacted by Forced Marriage in the United States?**

- Families from many different countries of origin, and multigenerational American families
- U.S. citizens, Legal Permanent Residents, individuals with other immigration statuses or without legal immigration status
- Families of many different faiths including Muslim, Christian, Hindu, Buddhist, Sikh, Jewish, and others
- Both female and male victims; of all ages



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**Why Do Forced Marriage Situations Occur?**

- Family motivations vary/overlap/fluctuate
- “Custom or tradition” (most often reported via survey)
- Additional, frequently reported factors:
  - Belief that marriage was in an individual’s best interest
  - Perceived as required to honor contract or arrangement between families
  - Necessary to protect family “honor” (i.e. particularly if an individual was LGBTQ, or pregnant, or had transgressed other expected behaviors)



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**Victims Face A Broad Range of Coercive Tactics**

- 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



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**Cases Can Be Extremely High-Stakes**

- Of respondents who provided info on tactics:
  - Almost half (46%) reported encountering victims who were subjected to actual physical violence.
  - Over a quarter (27%) reported encountering victims who were subjected to death threats.
- 13 respondents reported murder attempts
- 42 respondents reported suicide attempts/ contemplation



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**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.



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**Additional Research:**

- Gangashakti - *Voices From the Frontline: Addressing Forced Marriage within the US* (2013)
- Sauti Yetu Center for African Women and Families - *A Closer Look at Forced and Early Marriage in African Immigrant Communities in New York City* (2012)
- Asian Pacific Islander Institute on Domestic Violence – *Abusive International Marriages: Hmong Advocates Organizing in Wisconsin* (2012)
- Manavi – *An Introduction to Forced Marriage in the South Asian Community in the United States* (2011)



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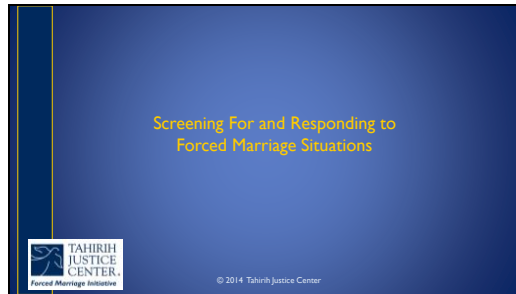
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Slide 15



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Slide 16

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



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**Responding to Forced Marriage Situations**

**DO:**

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

*Connect with an experienced Forced Marriage Service Provider for technical assistance/support with the case*



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**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



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**Safety Planning: 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?



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**Safety Planning: 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!*



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**Safety Planning: Emotional Abuse**

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?



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**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)



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**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.nnedv.org/downloads/SafetyNet/NNEDV\\_Privacy\\_and\\_Safety\\_on\\_Facebook\\_Guide.pdf](http://www.nnedv.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.nnedv.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!



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**Forced Marriage Overseas: Risks of Traveling 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, assistance by US/local authorities difficult or hazardous
- Lack of protections under law and from local authorities
- Less/no social services, shelters, or support options



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**Forced Marriage Overseas: Helping Individuals at Risk**

- Urge them **NOT** to travel overseas!
- Gather essential information – Name, DOB, passport number, destination address/city/region, name of parents and spouse/relatives, 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
- Notify Tahirih/State Department



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**Current Legal Framework in the United States:  
Protections, Gaps, and Challenges**



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**Current Legal Framework – Federal Level**

- No forced marriage-specific criminal laws
- Some guidance in training materials for U.S. consular officers posted overseas; some travel advisories for the public
- *De facto* minimum legal age for U.S. citizen to sponsor a spouse visa is 18; no set minimum for foreign spouse



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**Current Legal Framework – State Level**

Minimum legal age to marry is 18 in most states

- Exceptions can lower the minimum age with parental or judicial consent, or in case of pregnancy

Forced marriage is criminal offense in 10 jurisdictions; statutes geared to prevent prostitution, pandering

- CA, DC, MD MN, MS, NV, OK, VA, WV, and Virgin Islands



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**Current Legal Framework – State Level**

Criminal statutes (for assault, kidnapping, etc.) may cover actions taken in forced marriage situations, but:

- Victims, prosecutors may only press charges in extreme cases
- Criminal charges may actually heighten risk to victim
- Victim's fear of criminal or immigration consequences to self or family may "chill" reporting/cooperation



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**Current Legal Framework – State Level**

Civil remedies, e.g. domestic violence or other protection orders may be an option, but:

- Requirements may not cover forced marriage dynamics (i.e. threat of future violence)
- Types of petitioners, respondents, and relief allowed may likewise be too limited to address forced marriage situations



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**Minors & Forced Marriage - Roadblocks to Help**

- Narrow (or narrowly applied) definitions of abuse or neglect; Child Protective Services may perceive case falling outside of mandate
- May lack capacity/standing to initiate court action
- Barriers to seeking help without parental knowledge or consent
- Barriers to shelter/housing access (mandatory reporting/licensure requirements; parents can threaten to sue)

*Risk of repercussions if unsuccessful (i.e. if minor is returned to family home after seeking help/initiating legal proceedings)*



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**Special Challenges: Reluctant Sponsors and Marriage Based Visas**

- Perpetrators may control entire visa application process:
  - Restrict access to documents and monitor mail/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 investigation of immigration fraud/consequences for family members



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**Proposal for a Comprehensive National Action Plan to End Forced Marriage in the United States**

- **Plans drive progress:**
  - Outline gaps and needs across all sectors
  - Identify and better leverage existing tools and resources
  - Promote accountability
  - Improve gov't responses; support and coordinate non-profit efforts

*Please sign our Change.org petition to the President!*



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**Action Plan Recommendations**

- Increase understanding of forced marriage as a form of family violence and abuse, and build the capacity of existing programs to assist victims.
- Dedicate funding for new forced marriage-specific resources and programs.
- Ensure access to civil protection orders for forced marriage victims.
- Strengthen state laws on the age of consent to marry.
- Implement safeguards in federal immigration laws for marriage-based visas.
- Ensure that criminal justice options are available to forced marriage victims.

*Please sign our [Change.org](#) petition to the President!*



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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](http://www.PreventForcedMarriage.org)

For assistance with forced marriage cases, please contact:

Casey Swegman or Heather Heiman  
E: [EM1@tahirih.org](mailto:EM1@tahirih.org)  
571-282-6161



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