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*Supporting Survivors and Individuals at Risk of Forced Marriage - Guidance for Refugee Service Providers*

**Tahirih Justice Center Forced Marriage Initiative**

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preventforcedmarriage.org | tahirih.org/childmarriage

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*Tahirih Justice Center*

**OUR WORK**  
We help survivors rebuild their lives and safety

We offer a range of legal and social services to ensure that our clients can escape violence and rebuild their lives in safety.

<p><b>IMMIGRATION LAW</b></p> <p>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.</p>	<p><b>FAMILY LAW</b></p> <p>We ensure our clients' legal needs are met in family courts, safeguarding children against abuse and helping women divorce their abusers.</p>	<p><b>CIVIL LAW</b></p> <p>We engage in appellate advocacy and impact litigation, and support clients recover damages from harms they have suffered, such as trafficking.</p>
<p><b>FORCED MARRIAGE PROTECTION</b></p> <p>We provide confidential support and assistance to individuals in the US who are facing forced marriages in this country or abroad.</p>	<p><b>SOCIAL SERVICES</b></p> <p>We connect our clients to shelter, employment-related training, food pantries, and other services so they can gain greater control over their lives.</p>	<p><b>MEDICAL SERVICES</b></p> <p>We help our clients obtain medical and mental health services, a vital step in the road to recovery from physical and psychological trauma.</p>

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**FORCED MARRIAGE**

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*Defining "Forced Marriage"*

**CONSENT**

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

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

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*Arranged Marriage → Forced Marriage*

Graphic A: Forced Marriage Continuum

The diagram illustrates the Forced Marriage Continuum with 8 stages:

- Stage 1: Family Suggests Hope for Marriage
- Stage 2: Family Insists on Control of Process
- Stage 3: Individual Questions Process and Intent
- Stage 4: Family Diminishes Need for Consent
- Stage 5: Family Uses Shaming
- Stage 6: Family Uses Violence to Reinforce Shaming
- Stage 7: Individual is Denied Right of Refusal
- Stage 8: Individual is Forced into Marriage

ARRANGED (Stages 1-3) | FORCED (Stages 4-8)

Vidya Sri & Daraskhan Raja (2013)

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## Does forced marriage really happen in the United States?

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

### THE SURVEY:

- Over 500 respondents in 47 states participated
- Identified as **many as 3000 cases of forced marriage** in the prior two years
- Close to half (41%) of all respondents had encountered at least one case



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## Who is impacted?

2011 national survey found:

- Victims' families came from at least 56 countries or origin
- All major religious backgrounds, as well as no religion
- Majority of victims are female, but some are male
- All ages, with many victims under age 18



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## Forced Marriage Dynamics in Refugee Communities

### THE LINE BETWEEN "ARRANGED" AND "FORCED" CAN SEEM BLURRY

- For the individual
  - For case workers and other direct service providers
  - For community members
- Clients often do not directly disclose a forced marriage, or may share information about a marriage, but not indicate that it is forced.
  - Individual may be married or engaged suddenly/unexpectedly or may return from a trip married, engaged and/or pregnant.
  - Assumptions made about "causes" of mental health needs should be explored further.



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## 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.

### OTHER TYPES OF HARM:

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

### 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).



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## What does a "typical" case look like?

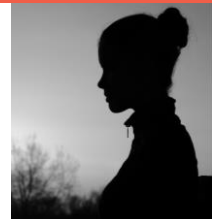
Sonia is 18 years old and a US citizen. Her parents exercise a great deal of control over her and her siblings lives, forbidding dating and requiring she come straight home when school lets out. Sonia also has a part time job at a local store, but she has to give her parents her work schedule every week,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



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## Sonia continued...

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



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## Sonia continued...



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



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## Sonia continued...



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



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## Reflections on Case Scenario



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## Why do forced marriages happen?



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### Very Common

- Emotional blackmail
- Isolation and control
- Social ostracism
- Economic threats
- Threats of violence

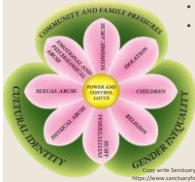
### Less Common but Not Rare

- Immigration-related threats
- Physical violence
- Deception
- Death threats
- Stalking
- Kidnapping/forcing abroad
- Holding captive

*Victims face a broad range of coercive tactics*



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## CHILD MARRIAGE



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## Child marriage in the U.S.

### THE FACTS:

- Child marriage ≠ 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
  - Pregnancy exceptions vs. statutory rape/laws on assault of a child
  - Parental consent exceptions
- Between 2000 and 2015, at least 207,468 minors were married in the United States\*
  - Highest absolute numbers: **Texas**, Florida, Kentucky, Alabama, Tennessee, Arkansas, Virginia, Illinois, Missouri



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## Challenges for Minors Facing 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



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## Risks and Harms of Early Marriage in the U.S.

### RESEARCH SHOWS THAT WOMEN WHO MARRIED AS GIRLS FACE:

- Higher drop-out rates
- Greater vulnerability to violence
- Increased medical and mental health problems
- Greater likelihood of future poverty
- Up to 80% divorce rates
- Early marriage 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.



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## LEGAL LANDSCAPE

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



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## Federal Level

### THE LAWS:

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



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## State Level

### THE LAWS:

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



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## Child Marriage Laws

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

- Only 4 states (Delaware, New Jersey, Pennsylvania, and Minnesota) set the age floor at 18 – no exceptions
- 7 states (Virginia, Texas, New York, Kentucky, Ohio, Georgia, and Indiana) also limit marriage to legal adults – by providing exceptions only for emancipated minors
- 17 states require all minors to get judicial approval before they can marry
- In 14 states and Washington, DC, clerks alone – without judges – can issue marriage licenses for all minors
- 10 states do not set any age floor by statute, and 5 states set an age floor younger than 16
- 5 states expressly allow girls under the minimum age to be married if they are pregnant

For more information, including a compilation of state laws, comparative analysis and “scorecards”, please visit [tahrih.org/childmarriage](http://tahrih.org/childmarriage)\*



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## SCREENING AND RESPONDING



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## Warning Signs

Watch your bias: One red flag alone may NOT be indicative of a forced marriage threat, however, if several are present we encourage asking the right questions.

### 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 all visits and never left alone with provider
- **Early, unwanted, or concealed pregnancy**
- FGM, virginity tests



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## 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/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



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



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## 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 & 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!*



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## Use the “red flags” as your guide

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



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## 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?



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## Working with Minors

If you work with minors, you play a critical role in recognizing when a child may be facing a crisis and can be a trusted resource that a service seeker can turn to for help.

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

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



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## Survivor-centered approach

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

### THE SURVIVOR MAY BE:

- Thinking about leaving only home/community she has ever known
- Lacking in life experience and resources – never had a job, managed money, lived outside the family, etc.
- Fearing for siblings, friends, pets, etc. that would be left behind
- Facing conflicted feelings about family/those she loves and her own identity
- Worried about her future

Be ready for “second thoughts” and backtracking on decisions. Refer to Tahirih's Forced Marriage Initiative for long term support.



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## Imminent travel abroad

Help is extremely limited abroad, especially for minors. Clients should make every effort to avoid travelling.

### Urge clients to Try to stay in the U.S.

- Being abroad comes with additional vulnerabilities that the local embassy will be unlikely to help you overcome
- Safety plan to help clients stay in the U.S.



If the client chooses to travel go over “Safety Tips for Travelling Abroad” Safety Guide



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## Remember Sonia?



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## Response Scenario 1

Sonia has just left your office. You feel heartbroken about her situation. You tell a coworker that had Sonia 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 Sonia 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."

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## Response Scenario 2

Sonia breaks down crying in your office 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 cant agree with that, then I'm sorry but its their loss, not yours."

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## Response Scenario 3

Sonia tells you that she is considering going on the trip and asks you what she should do. You take a deep breath and tell her, "Sonia, I cant 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?"

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## Forced Marriage Initiative

### PREVENTFORCEDMARRIAGE.ORG:

- Get Help Portal & Self Help Resources
- Recorded Webinars
- Forced Marriage Toolkit
- Resource Library
- News
- Survivor Stories
- Sign up for Forced Marriage Newsletter

### CONTACT US:

For assistance with forced marriage cases or to refer individuals to our program, please contact Hellitz Villegas or Casey Swegman  
Email: [FMI@tahirh.org](mailto:FMI@tahirh.org)  
Phone: 571-262-6167  
Anonymous Online "Get Help" Portal: [preventforcedmarriage.org](http://preventforcedmarriage.org)



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## Thank You!



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