Forced Marriage as a Form of Family Violence in Victoria

Report Authors

MONASH
GENDER AND
FAMILY VIOLENCE
PREVENTION CENTRE

Dr Shih Joo (Siru) Tan
Laura Vidal

Suggested report citation
Tan, SJ., & Vidal, L. (2023). Forced Marriage as a Form of Family Violence in Victoria. Monash Gender and Family Violence Prevention Centre, Monash University.

DOI:10.261180/22057280
Publication date: April 2023

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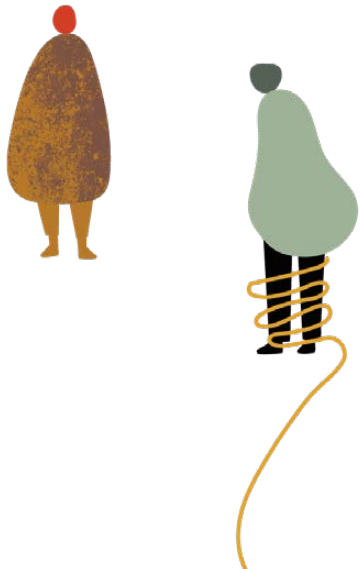


Acknowledgements

ONE

This research was done on the lands of the Wurundjeri and the Boon Wurrung people of the Kulin Nations. The researchers and the Monash Gender and Family Violence Prevention Centre acknowledge the Traditional Owners of this land, which has long been a site of learning. We collectively pay our respects to their elders past and present and extend that respect to all Aboriginal and Torres Strait Islander Peoples.

The Monash University research team extend our gratitude to all the practitioners and service providers who supported the research: sharing it, promoting it and participating in it. We are indebted to you and hope that this work on forced marriage continues to grow in its reach and impact, and can contribute to meaningful change to enable greater security, support and protection for all persons affected by forced marriage.

To the team working behind the scenes, a big thank you to Emilie Pfitzner from Everyday Ambitions for their wonderful design of this Report. Thank you to Scott Hurley for the thorough and professional copyediting of this Report. The authors also acknowledge with thanks the support of colleagues from the Monash Gender and Family Violence Prevention Centre for their critical role in supporting the research and the research team. In particular, we thank Professor Marie Segrave, who has offered ongoing guidance and kindly reviewed the report, and lastly, the Monash Gender and Family Violence Prevention Centre for the opportunity to explore this critical issue. Lastly, special thanks to Centre Director, Professor Kate Fitz-Gibbon and Jasmine Mead, for their support, without whom this project would not have been possible.

Funding Acknowledgement

This research has been funded by as part of seed funding in the Monash Gender and Family Violence Prevention Centre.

Terminologies

TWO

2.1 ACRONYMS

AFP
Australian Federal Police

CALD
Culturally and Linguistically Diverse

CEDAW
Convention on the Elimination of all Form of Discrimination against Women

DFFH
Department of Families, Fairness and Housing

DFV
Domestic and Family Violence

FSV
Family Safety Victoria

FVP
Family Violence Provision

MARAM
Multi-Agency Risk Assessment and Management Framework

RCFV
Victorian Royal Commission into Family Violence

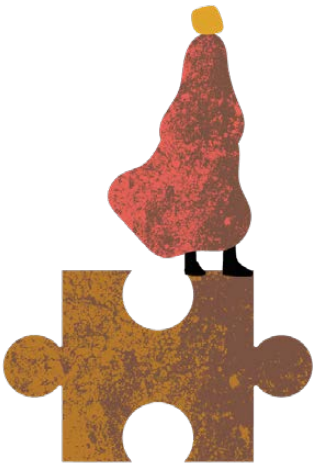
STPP
Support for Trafficked People Program

2.2 KEY TERMS

Family Violence
For this report, we use the term family violence to maintain consistency with the Victorian legislative and policy context. Family violence is used in reference to all forms of violence and abuse that occurs in the context of family, domestic and intimate relationships. This includes violence and abuse perpetrated by family members and non-family carers.

Person affected by forced marriage
Throughout the report, we also commonly refer to the wide range of people who are impacted by forced marriage including: (1) those threatened and coerced to marry, (2) those who are already in situations of forced marriages.

Young person
For consistency, the term 'young person' is defined in this report as a person who is aged between 12 to 24 years old.



Executive Summary

THREE

Since 2013, forced marriage has been understood and responded to in Australia as a form of human trafficking and a slavery-like practice. This framing occurred as the result of it being introduced as a criminal offence under Section 270.7A and 270.7B of the Criminal Code Act (1995) (Cth). During the Victorian Royal Commission into Family Violence (RCFV), submissions from family violence practitioners, front-line service providers and forced marriage specialist services recommended the inclusion of forced marriage as a statutory example of family violence under the Family Violence Protection Act (2018) (Vic). This was one of the 227 recommendations made in the RCFV final report (specifically recommendation 156). In late 2018, the Victorian Parliament passed the Justice Legislation Amendment (Family Violence Protection and Other Matters) Act (Vic), which formally recognised forced marriage as a form of family violence. Victoria is the only state in Australia to have recognised forced marriage as a form of family violence in law, although it has been identified as one issue for consideration as part of the National Plan to End Violence Against Women and their Children (2022-2032). Despite these commitments and developments, little is known about the impact of this new legal recognition of forced marriage in Victoria, in particular the implications for family violence and other service responses by practitioners and frontline service providers, and the interaction between the state-based criminal justice and service response, and the federal criminal justice and service response. There is also little published data of how well Victorian services meet the needs of persons coming forward to seek assistance and intervention for potential, threatened or formalised forced marriage/s. In exploring both the shift that has followed the inclusion of forced marriage as a statutory example of family violence and the opportunities it presents, this project seeks to contribute to: (1) ongoing national commitments to ending violence against women, and (2) the ongoing commitment to building a robust evidence base on modern slavery and human trafficking practices, under the National Action Plan to Combat Modern Slavery (2020-2025). This report is based on research that has sought to lay a foundation that illuminates the current state of service response to forced marriage in Victoria, and to identify next steps in relation to how this may be improved.

This report details the consistent support for the inclusion of forced marriage as family violence and the recognition that this is a welcome opportunity to expand service supports for persons affected by forced marriage. However, our findings also call to attention the urgent need to review: (1) the suitability of current family violence support services in meeting the varied needs of the different groups of persons affected by forced marriage and, (2) the strong association of forced marriage with CALD communities reflected in current risk assessment processes. The findings in this report detail the importance of undertaking careful and considered research and review to ensure that the intention of recognising forced marriage as a statutory example of family violence is fully realised. In particular, that it results in women (and men) impacted by forced marriage accessing appropriate, tailored services that can support their safety.

We write this report with great respect and admiration for practitioners and service providers who are navigating a challenging situation as they address forced marriage with a dedicated commitment to helping potential victims, while also having to adhere to government discourse and long-standing models. We hope that our analysis, discussion and recommendations offer a starting point for rethinking some of the assumptions built into forced marriage interventions and responses.

Key Findings

3.1

Participants in the research expressed consistent support for the inclusion of forced marriage as a statutory example of family violence within the *Family Violence Protection Act (2018) (Vic),* in particular, the opportunity to increase identification of persons at risk and access to pathways for engaging communities and offering support. Despite the recognition of these opportunities, there were also concerns around jurisdictional challenges, as the Commonwealth framework of human trafficking framework remains the primary mechanism for responses. This section offers three key conceptual findings of the research, which highlight some of the emerging implications. Responses from participants directed at ways forward have been shaped into recommendations in the following section.

ONE: FORCED MARRIAGE IS UNDERSTOOD BY FAMILY VIOLENCE PRACTITIONERS AND FRONT-LINE SERVICE PROVIDERS AS BOTH A FORM OF FAMILY VIOLENCE AND HUMAN TRAFFICKING.

- Family violence practitioners and frontline service providers across Victoria see forced marriage as a form of family violence given:
  - > It is a form of interpersonal violence occurring as a process within a familial setting and/or because family are involved in facilitating the unwanted marriage
  - > It is not just about the absence of consent or coercion into marriage or that marriage is the only site of harm. Coercive pressures to marry are a dynamic process shaped and precipitated by multiple factors—including familial, structural and social-cultural contexts in which people navigate and negotiate across their life.
- Family violence practitioners maintain that including forced marriage within responses to human trafficking are important because of the overseas dimensions involved in the practice: particularly in situations where there is international travel or exit trafficking (defined as coercing, forcing or threating another person to leave Australia against their will). However, this framework presents particular operational challenges, including:
  - > That responses are located within a criminal justice framework with mandatory contract with law enforcement thereby limiting opportunities for support and increasing reluctance for victim-survivors to disclose given the risk this may present to their family members.

TWO: FORCED MARRIAGE IS PRIMARILY UNDERSTOOD AND RESPONDED TO AS 'AT-RISK' BEHAVIOUR WHERE INTERVENTIONS ARE FOCUSED ON CHILDREN AND YOUNG PERSONS.

- Identification of forced marriage and requisite support needs are focused on persons who are not yet forced into marriage but are facing imminent or immediate risk. This highlighted specific implications:
  - > Focus is placed on the entry point into marriages and preventing its occurrence – this is critical, however, as an approach it falls short of recognising exiting a forced marriage
  - > Discourse and support in the exit of a forced marriage is framed as intimate partner violence and addressed entirely separately from forced marriage – which has been argued by the participants in this research, and elsewhere, to have unique dynamics requiring specialisation and nuanced responses.

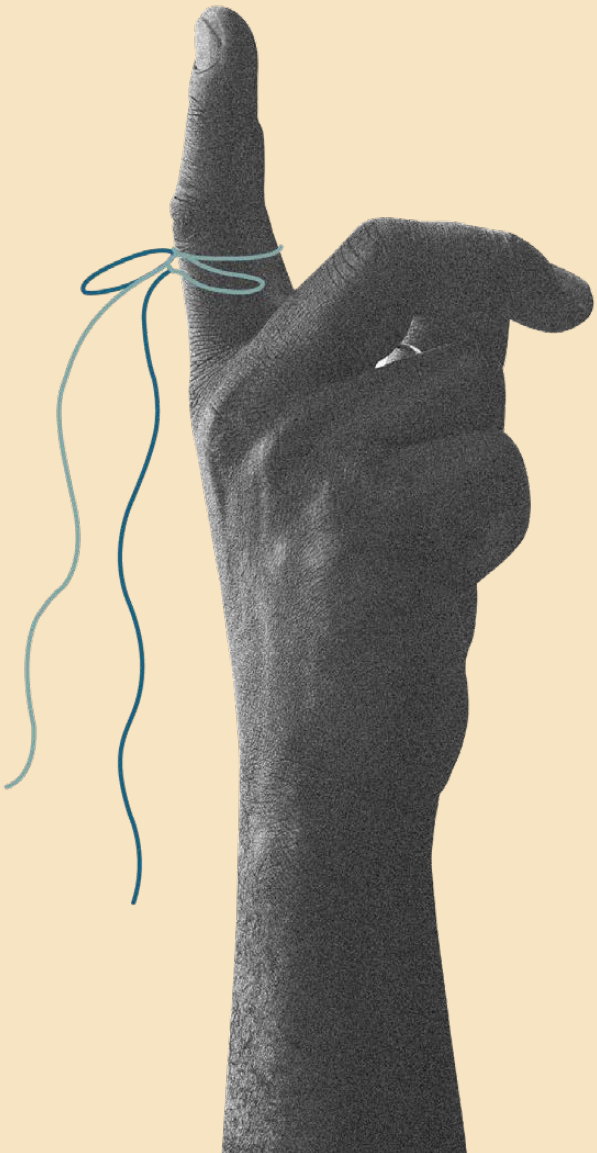
THREE: FORCED MARRIAGE IS SEEN AS AN ISSUE SPECIFICALLY IMPACTING PERSONS FROM CULTURALLY AND LINGUISTICALLY DIVERSE COMMUNITIES.

- Forced marriage was specifically associated with CALD, and newly-arrived migrant communities which is in conflict with assertions also made by participants that forced marriage can and does happen to persons irrespective of their ethnicity, religion, age or nationality. This association has specific implications, including:
  - > Calling into focus the need for closer attention within forced marriage and family violence response sectors to understand the broad and diverse ways in which forced marriage may occur: including recognition of the interplay with gender, poverty, sexuality and immigration policies – rather than only religion, ethnicity and/or culture
  - > Initiatives particularly targeted around prevention and education are directed toward contexts where there are higher numbers of CALD communities or newly-arrived migrants which limits focus on the broader contexts in which forced marriage may occur.

Recommendations

3.2

Emerging out of the research findings, this report makes the following recommendations toward enhancing responses to forced marriage in Victoria.



RECOMMENDATION 1:

Build a family violence evidence base in Victoria to understand how victim-survivors of forced marriage are moving through the existing suite of support and justice services. This will enable an understanding of the service needs of persons affected by forced marriage, and how they are accessing available formal, informal and justice supports. This should include the recognition of the wide range of people impacted by forced marriage, including those whose entry into marriage had occurred through coercion or threat, but may be seeking support for ongoing forms of family violence.

RECOMMENDATION 2:

Review and enhance family violence support services in Victoria to meet the unique needs of victim-survivors of forced marriage. Recognising that persons affected by forced marriage do not want always to be separated from their families , there is an important opportunity to map approaches for working *with* families in response to risk assessment, harm minimisation and behaviour change.

Recommendations

3.2

RECOMMENDATION 3:

Design and implement community-led and tailored models for information provision in Victoria, to ensure that communication and outreach strategies are cognisant and responsive to the unique experiences and needs to different communities in Victoria.

3.1 This should include a view to expand engagement efforts by broadening understanding and definition of forced marriage that takes into account the cultural specificity and universality of gendered violence that underpins the practice of forced marriage.

3.2 All informational, communication and engagement efforts must be subject to ongoing analysis on reach and impact.

RECOMMENDATION 4:

Implement evidenced-based training for all specialist family violence practitioners and frontline service providers in Victoria to strengthen their capacity to identify and address forced marriage, and enhance delivery of support. Training initiatives should include the following:

4.1 Ensure a foundational level of knowledge and understanding of forced marriage, including how it affects children, young persons and those who are already in such marriages

4.2 Understand how to navigate the two support frameworks which are currently operational in Victoria - both that of family violence and of human trafficking and modern slavery.

RECOMMENDATION 5:

Review and broaden assessment and identification of forced marriage in the MARAM beyond association with CALD communities to support practitioners in recognising the broad and diverse ways in which forced marriage can occur.

RECOMMENDATION 6:

Establish a National Roundtable to facilitate collaboration across national, state and territories with a focus to:

6.1 Develop clear guidelines on reporting and service coordination across Commonwealth, States and Territories agencies, in particular, between the Commonwealth and Victoria where there are conflicting agendas around the involvement of law enforcement agencies.

6.2 Build a shared data collection system across Commonwealth, States and Territories, and non-government services that recognises at-risk, current and historic forced marriages, and captures both persons who report to law enforcement and other authorities and those who do not.

Background

FOUR

Forced marriage is defined in Australia under Section 270.7A and 270.7B of the Criminal Code Act (1995) (Cth) as marriage entered into:

1. without free and full consent of one, or both of the parties involved,
2. as a result of coercion, threat or deception, or
3. because the victim was incapable of understanding the nature and effect of the marriage ceremony.

This applies to all marriages and relationships registered in Australia, or recognised in another country and occurring in Australia or overseas.

4.1 FORCED MARRIAGE IN AUSTRALIA

515 reports of forced marriage to the AFP (between 2013-2022)[i]

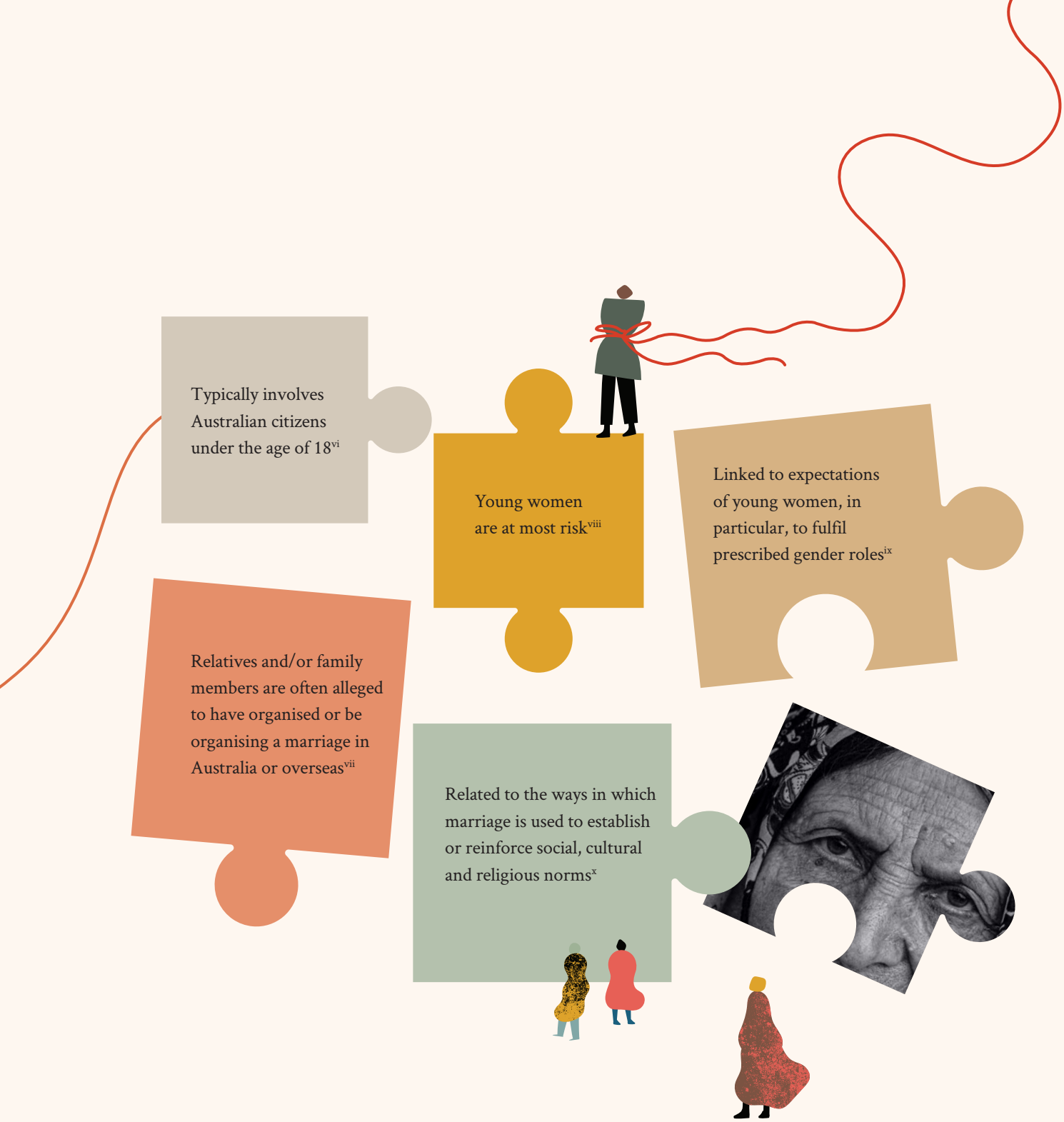
Makes up 41% of human trafficking and slavery cases reported to the AFP (between 2013-2020)[ii]

Cases of forced marriage have steadily increased since criminalisation, with 11 cases reported in 2013-2014 and 92 cases reported in 2019-2020[iii]

Since its criminalisation in 2013, there has yet to be any prosecutions of forced marriage offences

Accounts for close to 50% of all individuals referred to the STPP[iv]

[i]Australian Government (2020); Australian Federal Police (2022), [ii]Australian Government (2020), [iii]Ibid. [iv]Australian Red Cross (2019)



This data offers some indications about forced marriage in Australia, but its true scope is unknown. The numbers available are not considered to be reliable estimates of the extent or prevalence of forced marriage (Tan & Vidal, 2021). This can be attributed to the fact that the of recording forced marriage in Australia is limited to cases reported to law enforcement, and such cases can only be registered when they fulfil specific legal definitions. It is well-established that forced marriage is significantly under-reported due to the implications for the family members of those who do report (Lyneham & Bricknell, 2020). These facts significantly limit our understanding of the context and depth of the issue.

[v]Australian Government (2020), [vi]Australian Government (2020); Australian Government (2021); Australian Federal Police (2022)
[vii]Australian Government (2020); Australian Government (2021), [viii] Jelenic & Keeley 2013); McGuire (2014); The Salvation Army & RMIT (2018); Lyneham and Bricknell (2020); Prattis & El-Matrah (2017); Simmons & Wong (2021); [ix]Simmons & Burn (2013); Lyneham & Bricknell (2020);
[x]The Salvation Army & RMIT (2018)

Commonwealth Responses to Forced Marriage

4.2

4.2.1 COMMONWEALTH RESPONSES TO FORCED MARRIAGE IN AUSTRALIA

The criminalisation of forced marriage in 2013 in the Criminal Code Act (1995) (Cth) initiated a number of key steps designed to combat it. These steps sit as part of Australia's National Plan to Combat Modern Slavery 2020-2025 (NAP) (Australian Government, 2020). Selected initiatives funded under the plan and its predecessor, the National Action Plan to Combat Human Trafficking and Slavery 2015-2019 (Australian Government, 2015) include:

2013
Referral protocol to the AFP as lead investigators across Australia to investigate matters of forced marriage

2013
Expansion of the STPP – the federally funded support program – to include support for individuals impacted by forced marriage. It was expanded again in 2018.

The STPP is offered to individuals who have been assessed and referred by the AFP, with support including:
Intensive support for up to 200 days for clients who are in or at risk of a forced marriage. This includes 90 days of support provided under the 'Assessment and Intensive Support' stream and 'Extended Intensive Support' stream … assistance includes:

- accessing income support;
- health care card if eligible;
- securing longer-term accommodation;
- purchase of essential household furniture;
- access to Medicare and the Pharmaceuticals Benefits Scheme;
- legal services and interpreters;
- assistance to obtain employment and training if desired;
- links to social support.[xi]

2013
Funding to The Australian Red Cross, the Government contracted provider of the STPP to develop skills and capacity to respond to this new group of individuals accessing the program [xii]

2014
A 'Community Pack' with resources including assessment and safety planning tools, developed by the Attorney General's Department for national distribution across service provider networks [xiii]

2014-2018
Approximately $600,025 provided in funding to three NGOs across multiple years to raise awareness and support communities responding to forced marriage

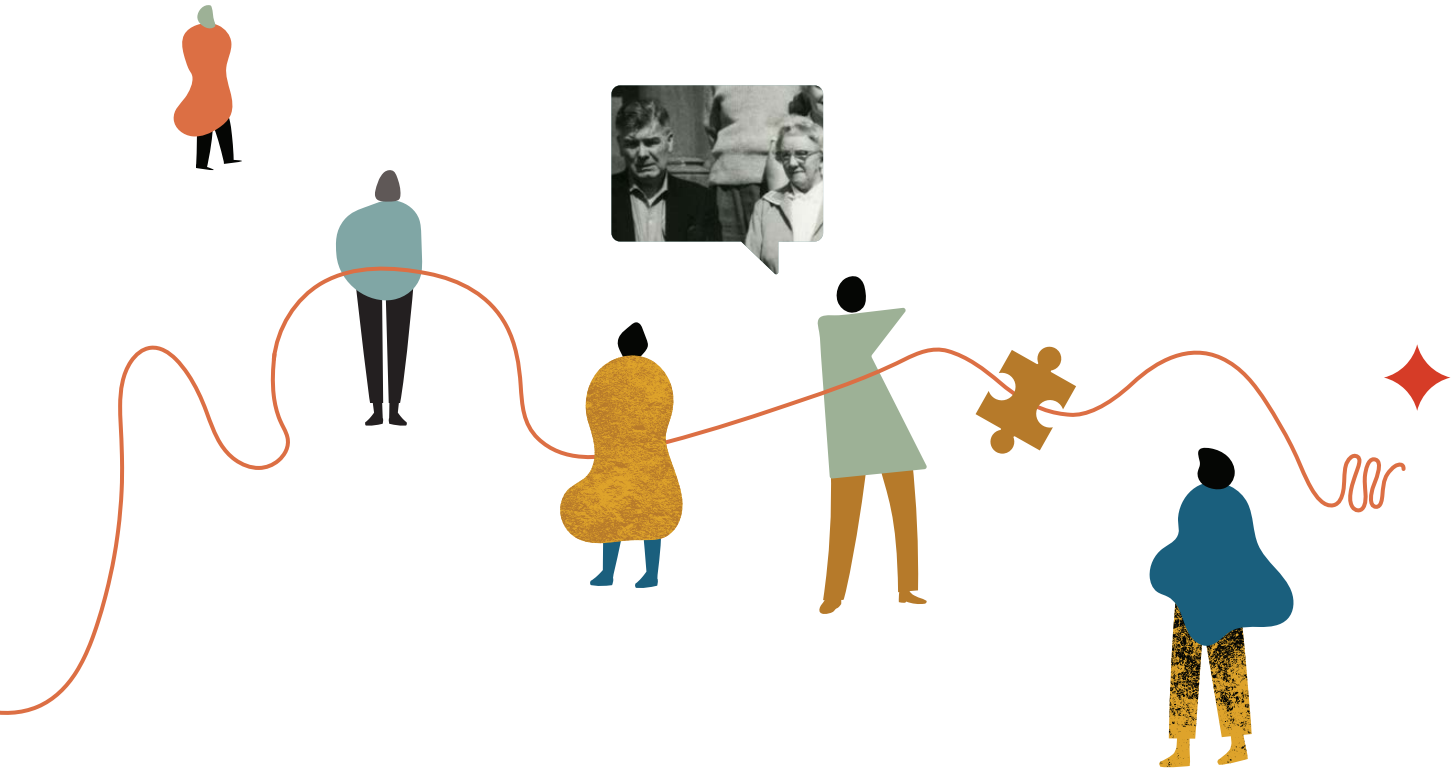
- Development and implementation of 'My Blue Sky' a national website and legal referral service operated by Anti-Slavery Australia [xiv]
- Funding of education and awareness-raising activities, including funding ACRATH (the Australian Catholic Religious Against Trafficking in Humans) to develop and deliver a school curriculum module [xv]
- Support for ethno-specific organisations, specifically, The Australian Muslim Women's Centre for Human Rights (AMWCHR) to deliver culturally specific community education about forced marriage [xvi]

2018
Seed funding to The Lighthouse Foundation provided by The Department of Social Services to establish a dedicated and tailored crisis and medium-term supported accommodation program in Victoria [xvii]

[xi] Department of Social Services (2020), [xii] Australian Government (2015), [xiii] Australian Government (2016), [xiv] Ibid, [xv] Ibid, [xvi] Australian Muslim Women's Centre for Human Rights (2019), [xvii] Powell (2020)

Australia's inclusion of forced marriage within the suite of offences addressing human trafficking, slavery and slavery like-practices is unique; it is the only international jurisdiction to explicitly codify and respond to forced marriage in this way (Anitha & Gill, 2011; 2015; 2017). Research is emerging to examine forced marriage within this framework, particularly under the banner of modern slavery. Modern Slavery has become something of an umbrella term containing the practices of human trafficking, slavery and slavery-like practices including forced marriage. Some scholars are critical of this approach, suggesting that such a framework is simplistic and reductionist, as it does not account for the complex familial dynamics that dominate in situations of forced marriage (O'Connell Davidson, 2015; 2021). Others who have examined victim-survivor accounts of forced marriage have found a range in which forced marriage may be considered modern slavery – in instances where individuals are 'treated as property' there is a compelling argument to position it within this framework (McCabe & Eglen, 2022).

Undeniably, the placement of forced marriage within federal law, policy and support frameworks has set it apart from other forms of gendered harm and violence, including domestic and family violence (DFV) within the Australian context. Such offences, sit within the responsibility of States and Territories and requisite support services can be accessed without any obligation or participation in the civil or criminal justice systems. This is significant when accounting for key motivations and shifts in Victoria's response to the issue.



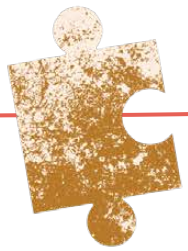
4.3 THE VICTORIAN LEGAL AND POLICY RESPONSE

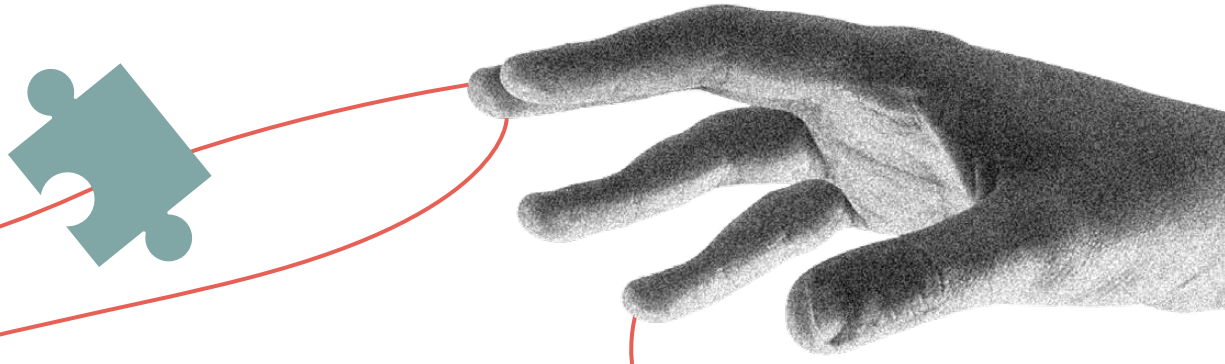
In Victoria, forced marriage has been included as a statutory example of family violence within the Family Violence Protection Act (2008) (Vic), a direct result of a recommendation made by the Royal Commission into Family Violence (State of Victoria, 2014-2016). The complex familial dynamics of forced marriage have been taken into consideration, leading to strong calls for a system of support which closely aligns with the experience of frontline service providers who have been engaging with individuals impacted by forced marriage. It is necessary to decouple support from engagement with police, to recognise the specific contexts in which forced marriage occurs and, consequently, the ways in which harm is experienced (Vidal, 2018).

It should be noted that within the context of the recommendations made by the RCFV, forced marriage is framed as family violence experienced by women in some culturally and linguistically diverse (CALD) communities. The recommendation appears alongside commentary in the report from the RCFV on practices also considered to be isolated to CALD communities, including female genital mutilation and dowry-related violence. The RCFV noted that such forms of abuse are not 'readily recognised' as being part of conceptualisations and definitions of family violence.

Scholars in the UK (Anitha & Gill, 2011; 2015; 2017) have called for the recognition of forced marriage within broader frameworks of gender-based violence – specifically, gender-based violence occurring within familial settings. Forced marriage is inherently gendered. Its consequent harms are also considered to be a distinctly gendered experience (Gangoli et al, 2011; Gill & Harvey, 2017; Aguiar, 2018). Anitha & Gill, Gangoli et al, Gill & Harvey and Aguiar acknowledge that frameworks addressing domestic and family violence have often fallen short of recognising issues like forced marriage – or have tended to view all domestic and family violence within the context of 'white, heterosexual' women in intimate relationships with men. Nevertheless, they suggest that it is useful to consider forced marriage within expansive understandings of domestic and family violence. They are highly critical of approaches which 'sideline' forced marriage as a matter for CALD communities, as this may have the unintended consequence of further othering and isolating CALD women within service systems and support mechanisms. Within the Australian context, other scholars (Thomas & Segrave, 2019) have identified the need for understanding and responding to forced marriage in ways going beyond the law. Such approaches to tailoring the guidance for family violence services to respond to forced marriage are modelled on structures currently in place in the UK.

Despite forced marriage being recognised within family violence frameworks at the legislative level, the phenomenon, and responses to it, have not been well understood. Since the legislation was amended in 2018, action by responsible government agencies has included:





Department of Families Fairness and Housing (DFFH)

Development of procedural guidance which flags forced marriage as a concern for child protection practitioners.

Specifically:
'all reports received relating to a child allegedly being in a forced marriage, or, at risk of a forced marriage, must be classified as a protection intervention report unless there is compelling evidence of safety for the child' (Victorian Government, 2022)

Child protection practitioners are guided to complete a report and contact Victoria Police or the Australian Federal Police in response. Overarching these specific steps, the guidance provided by DFFH further states: 'reports of forced marriage will be investigated in the same manner as other [child protection] reports. Interviewing the child and completing a risk assessment' (Victorian Government, 2022)

Family Safety Victoria (FSV)

FSV has outlined that the Multi-Agency Risk Assessment and Management Framework (MARAM) may be useful in supporting family violence agencies to assess forced marriage (Family Safety Victoria, 2022). FSV emphasise the presence of coercion, financial control and isolation in the definition of family violence, and as such may be used by practitioners to support the identification of forced marriage.

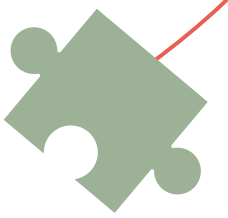
Steps are currently underway to further develop the MARAM framework and include specific risk assessment criteria related to forced marriage.

Department of Education

Forced marriage is considered by the Department of Education in their guidance to schools on Child Safe Standards (Victoria Department of Education, 2018). Forced marriage is identified as a risk factor in child sexual abuse. Here, the guidance states if '…a student is subject to a marriage without their consent, arranged for or by their immediate family, [t]his constitutes a criminal offence and must be reported' (Victoria Department of Education, 2018)

Victoria Police

There is no publicly available information about the response by Victoria Police in relation to forced marriage. Public presentations by representatives of the Family Violence Command within Victoria Police have indicated that reports of forced marriage are managed by Victoria Police through a referral to the Australian Federal Police. It was further noted that an internal practice guide has been developed on forced marriage (and dowry abuse) and is currently being addressed in recruit and investigator training (Victoria Police, 2022).



4.4 RESPONSES FROM CIVIL SOCIETY ORGANISATION

Community services, primarily those within the sector responding to family violence, have long been identifying and responding to forced marriage. Following the legislative amendment such responses have increased, particularly for individuals who do not wish to engage with the Australian Federal Police (AFP) and be referred to the STPP. Civil society organisations have developed a range of programs, which are supported in diverse ways, including through federal, state and independent funding. Civil responses specific to the Victorian landscape include:

Lighthouse Foundation

Young Women's Freedom Program

Initially funded by the Department of Social Services, it now continues to run as a dedicated accommodation and therapeutic support program for young women with an experience of forced marriage.

Centre for Multicultural Youth (CMY)

Case management, youth work, social support and skills training

CMY has developed the 'Good Practice Guide' for responding to forced marriage and continues to independently embed responses to forced marriage within youth-focused case management.

Australian Muslim Women's Centre for Human Rights (AMWCHR)

Family Violence Case Management

Support with early, forced marriage and Islamic divorce as part of a comprehensive response to family violence. AMWCHR have developed a number of resources and engaged in community information and training as part of the Commonwealth Modern Slavery Grant Program.

Good Shepherd Australia New Zealand

Safe and Empowered Families (SEF)

Funded under the Commonwealth Modern Slavery Grant Program, SEF is a pilot program bringing a Scandinavian model of cross-cultural dialogue to Australia to engage in conflict resolution with individuals and their families in cases of forced marriage.

Australian Catholic Religious Against Trafficking in Humans (ACRATH)

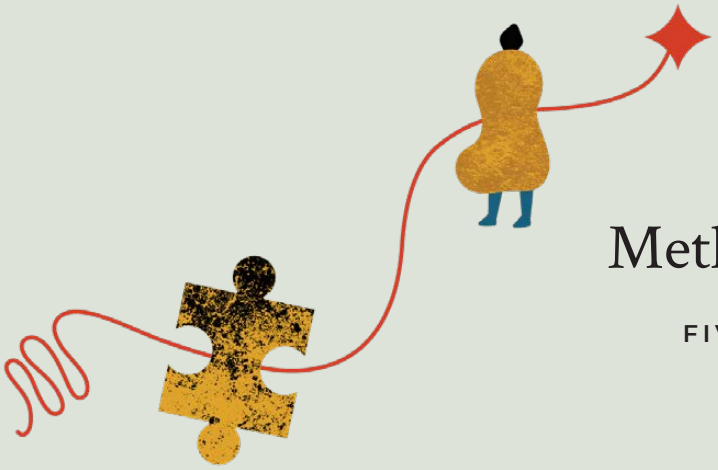
Companionship Program

Independently funded, this includes trained volunteer companions walking the journey of recovery with survivors. The focus is on building relationships to provide emotional, social and practical support.

Summary of Legislative Measures

4.5 SUMMARY OF LEGISLATIVE MEASURES

COMMONWEALTH/NATIONAL LEGISLATION	
Marriage Act (1961) (Cth)	Includes provisions for: • Stating the marriageable age as 18 years old, or 16 years old with parental consent, and a court order imposes a criminal penalty for engaging in marriage under the marriageable age; or facilitating the marriage of somebody under marriageable age (Section 95) • Declaring a marriage as void if consent is obtained by duress or fraud; deception; mental incapacity of understanding the nature and effect of the marriage; under marriageable age (Section 23 D).
Family Law Act (1975) (Cth)	Includes provisions for: • Nullity of marriage based on the ground a marriage is declared void, specifically if consent for the marriage was obtained using duress or force (Section 51) • Location and recovery of children: specifically, returning a child who has been removed, including for the purposes of marriage (Section 67) • Referral for family counselling, family dispute resolution and other family services (Section 13 C) • Injunctions, including Airport Watchlist Order, which prohibits a person under the age of 18 being removed from Australia (Section 68B). Injunctions can also extend to things like school attendance, and the prevention of marriage until the age of 18 years.
Criminal Code Act (1995) (Cth)	Distinct criminal offence pertaining to forced marriage, which attracts a penalty of 7 years imprisonment or 9 years for an aggravated offence. A marriage under the Act is considered to be forced if: • The person is under the age of 18 years • Without full and free consent because of coercion, threat or deception or because the person was incapable of understanding the nature and effect of the marriage ceremony. A person may be found guilty of the offence of forced marriage if they either facilitate, officiate or enter into a marriage.
VICTORIAN LEGISLATION	
Family Violence Protection Act (2008) (Vic)	Forced marriage is included as a statutory example of family violence under this Act, therefore attracting the legislative provisions as relevant to family violence – including Intervention Orders, victim's compensation, access to support services and penalties for engaging in violence as described under the Act.
The Children, Youth and Families Act (2005) (Vic)	This Act utilises the definition of family violence in the Family Violence Protection Act (2008) (Vic), therefore, forced marriage is included within this provision.



Methods

FIVE

This is an exploratory study of the utility and implications of responding to forced marriage as a form of family violence in Victoria, following its inclusion in the Family Violence Protection Act 2008 (Vic) in 2018. This development presented an important opportunity in shifting how forced marriage is conceptualised in Australia: from a form of human trafficking and modern slavery, to a form of family violence that disproportionately affects women and girls. However, there is a paucity of knowledge relating to the impact of this legislative amendment. We need to know more about resource investments in victim support processes, and more broadly, about how systems designed to respond to family violence are prepared for engaging with forced marriage.

This project seeks to:

1. Address the current knowledge gap surrounding the impact of forced marriage as a form of family violence
2. Document the views and experiences of specialist family violence and force marriage service providers and community groups regarding current responses to forced marriage to identify key strengths and weaknesses in current responses, training and education needs and service gaps
3. Identify key learnings to share with state agencies and service providers focused on forced marriage and family violence to inform the development of best practice responses to forced marriage

This is the first Australian-based research examining the impact of the inclusion of forced marriage as a form of family violence, with a specific focus on understanding and mapping the current service design and provision for those seeking support. The report drew on analysis from a two-pronged data collection process. It combined a scoping review and in-depth interviews and focus groups with federal and state agencies, specialist family violence and forced marriage service providers. A total of 22 practitioners and service providers participated in six online interviews and six online focus groups.

Participant groups	Method	No. of Participants
Victoria-based NGOs	Interviews	4
Commonwealth-based NGOs	Focus groups	5
Victoria-based government agencies	Focus groups	8
Commonwealth-based government agencies	Interviews	1
Commonwealth-based government agencies	Focus groups	4

Like other qualitative studies, this project adopted an iterative process where findings derived from each data source informed the next stage of data collection. Findings from the scoping review were used to unpack and provide further context to relevant observations derived from interviews and focus groups. Fieldwork was undertaken from April 2022 to September 2022. In the first stage of research, the researcher team conducted an online review of all published criminal justice data pertaining to forced marriage since 2013. The research team also reviewed data on service support systems to identify available supports for anyone seeking help in the context of forced marriage: that includes someone trying to avoid a marriage taking place or seeking to exit a marriage, or a connected person trying to support someone in either position. This established an understanding of the state of knowledge, the response system and evidence pertaining to the impact or success of support systems that have been in place since before 2018. It also identified approaches to forced marriage and their implications for different responses. For example, there are significant service and support differences between the family violence sector and the human trafficking and modern slavery sector. This review was then used to inform the subsequent development of thematic interview and focus group question guides.

The second stage of research involved interviews and focus groups to undertake an analysis of the following key themes: (1) understandings of forced marriage, (2) intersections with other issues, (3) key points of support or intervention and (4) identification of future best practice models of support and intervention. Purposive sampling from stakeholder organisations was used for recruiting interview and focus group participants. Participant groups were approached if forced marriage was within their service remit. Targeted stakeholder organisations in Victoria included specialist family violence services, multicultural organisations and community support groups. National-level stakeholders involved in forced marriage work were included, as they were in a position to speak to specific state-level experiences as well as wider barriers to, and enablers of good practice in forced marriage interventions. Participant selection was based on response and availability of practitioners and service providers, and we recognise the limitations associated with this approach.

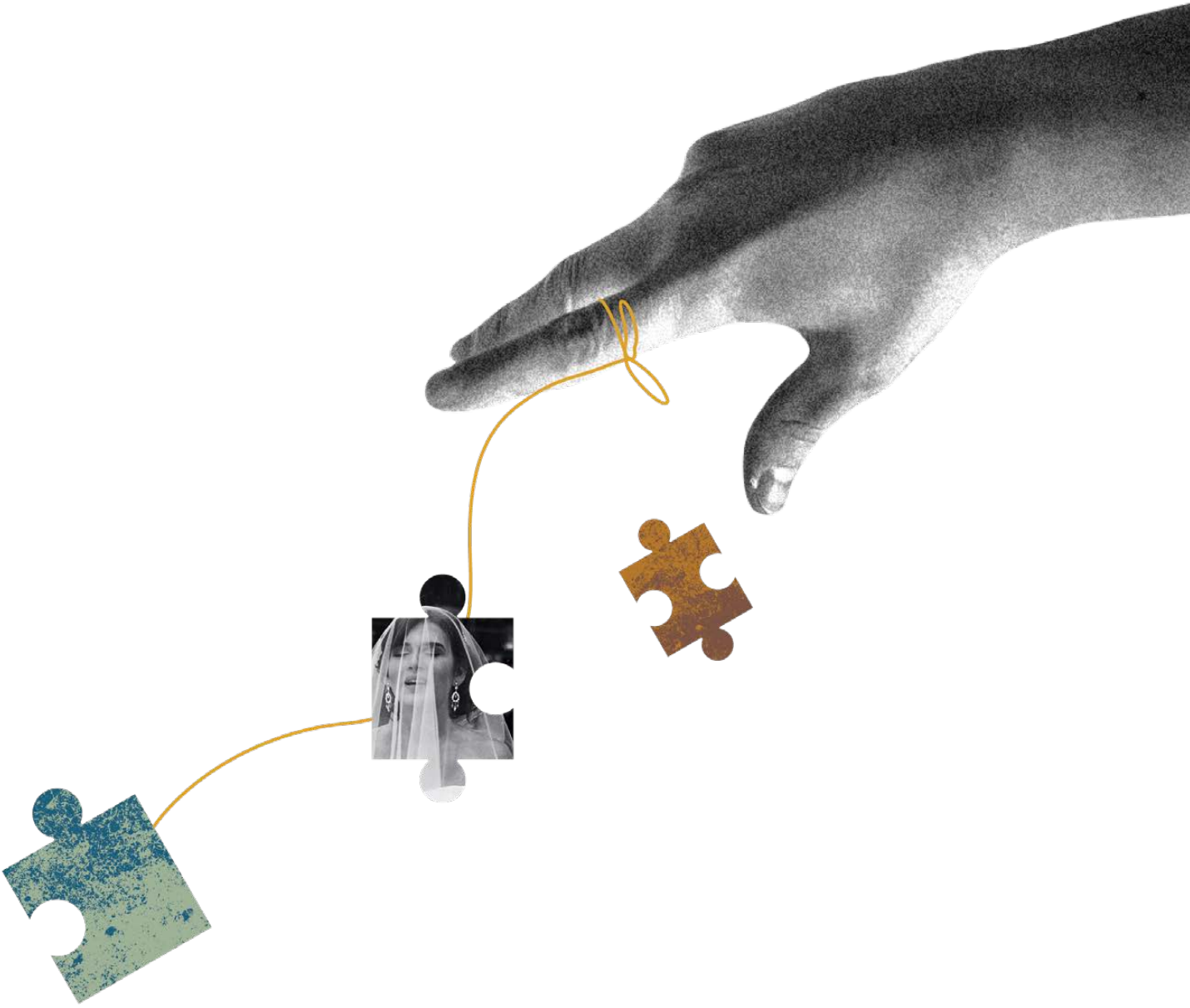
The research was conducted with the approval of the Monash University Ethics in Human Research Committee (Project ID: 32620), which took into account the possibility of disclosure of sensitive cases in interviews and focus groups. The conduct and reporting on interviews and focus groups was consistent with ethical processes and ethics clearance. Interview and focus group transcripts are stored electronically on a password protected database, accessible only to named researchers on the project. Participant confidentiality was maintained through the de-identification of information. Data analysis was then conducted using NVivo software based on the de-identified transcripts.

The analysis reflects the exploratory nature of this project in that it offers an understanding of the flow-on impacts of the forced marriage legislative amendment on current service provision and support mechanisms, from the perspectives and experiences of frontline service providers and practitioners. It does not, however, provide a complete picture of the impacts and implications of service provision, given that the research did not

hear from victim survivors regarding their experiences with support and systems. We recognise that the best way to understand the impacts of the forced marriage legislative amendment, and what is necessary for the development and design of best practice, is to ask practitioners, frontline service providers and victim-survivors. The inclusion of victim survivors' voices in particular would have provided critical first-hand accounts of their pathways in seeking support, how they are accessing available response mechanisms, (particularly formal support and criminal justice systems), and the extent to which these systems and services are meeting their needs. Given the research timeframe and limitations, however, data collection had to be focused on engaging frontline service providers and practitioners. This means that some questions remain unanswered. Nonetheless, this analysis nonetheless offers a preliminary understanding of the operations of a different framework to forced marriage. It offers insights into gaps and opportunities in current service responses, and recommendations for addressing the knowledge gap in forced marriage in Australia, and how support and interventionist approaches may be able to adopt to better serve those at risk of, or in a forced marriage.

It is also important to note the impact of the COVID-19 pandemic on both service provision and delivery, and the awareness or identification of forced marriage cases more broadly. This had not been a specific focus in the interview and focus group question guides; however, several participants commented on the challenges of undertaking this work, especially with young persons, during the COVID-19 lockdown period. Capturing the impact of COVID-19 on forced marriage (and violence in the home more broadly) is complex. Other studies (see for example, Pfitzner, Fitz-Gibbon and True 2020; Segrave and Pfitzner 2020) have detailed a chilling trend: the severity and frequency of violence against women increased during that period, even as pandemic control measures have simultaneously reduced women's ability to seek help.

Notes on the presentation of findings:
Throughout this report, we draw on direct quotes from participants to generate insights into current practices and service responses based. Quotes appear verbatim. They have only been amended for readability – making full words where truncations had been used, and/or in cases of repetition.



Practitioners' Perceptions of Forced Marriage

SIX

Key concerns in research and policy around forced marriage involve defining the problem and identifying those affected by it. What constitutes forced marriage? How does it take place? Who is at risk of forced marriage? What are the risk factors associated with forced marriage? These issues have a large impact on interventions, specifically, on if and how forced marriage should be identified and responded to (Chantler, Gangoli and Hester 2009). This study had not set out to investigate how practitioners and frontline service providers defined forced marriage. But these people shape journeys into and through services. Their role as 'gatekeepers' –identifying risk, detecting abuse and victimisation, developing safety or risk-management plans and determining access to protections – makes participants' perception and understanding of situations of forced marriage important to consider. This is especially true when trying to make sense of approaches to support and best practice responses.

6.1 FORCED MARRIAGE IS FAMILY VIOLENCE

'We already see it as a family violence issue'

(Child protection service practitioner, Victoria-based)

Across the board, there was clear consensus from practitioners and frontline service providers that forced marriage is a form of family violence, not least because it occurs within the familial setting and/or members of family are involved as alleged perpetrators:

I really think at its core forced marriage is family violence. It's happening in family units. (Youth service practitioner, Victoria-based)

I'd say a high number of reports that are made in relation to forced marriage are paired with underlying concerns of domestic or family violence in that person's home situation. A significant proportion of forced marriage reports involve members of the family being involved as the alleged offenders, whether that's direct parental relations or external to that immediate family unit. We do see family violence and domestic violence, whether it's physical or emotional, or financial. (Law enforcement official, Commonwealth-based)

Practitioners from specialist youth and family violence services also noted that in many of the cases they come across, forced marriage had not been the presenting issue. Instead, the client had approached them or been referred to their service for other matters (for example other forms of family violence and abuse, family breakdown, homelessness); the imminent risk of forced marriage had only come to the fore during intake assessments, or after multiple sessions with their case managers. The capacity of case managers to be cognisant of indicators and warning signs was highlighted as being highly vital to this process:

I think a lot of the reports that we end up receiving isn't actually about forced marriage. It's maybe been about physical violence say, and when we've investigated it and interviewed the child, the child has then said, 'Oh I was hit with the hairbrush because actually I refused to marry.' And then it's like, 'Oh' and then we can start kind of exploring that obviously more. (Child protection service practitioner, Victoria-based)

We very, very, rarely get a referral that says 'forced marriage' on the top of the piece of paper that's for sure. People aren't seeking help for that. Most often it is that we're doing casework around something else and sometimes it is family violence that then the forced marriage will just pop up. But it doesn't ever come up straight away, it's always after we've been working with the family or young person for at least a month, we've had that time to build rapport, to create relationship and a sense of trust in the casework professional relationship. And then there might be a disclosure or a comment that then is a little bit like, 'what's all this about?', that then the caseworker would unpack with the young person (Youth service practitioner, Victoria-based)

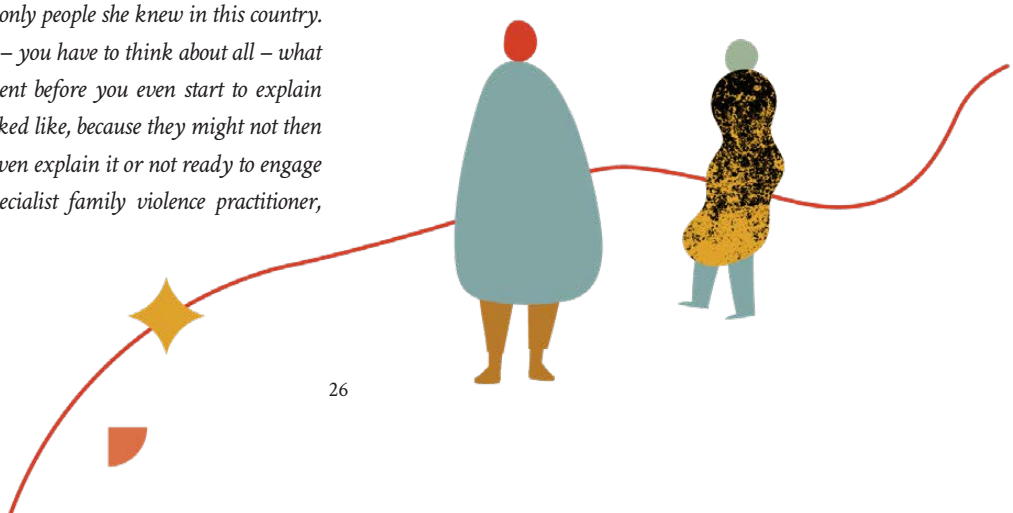
Practitioners explained that the very nature of forced marriage – it's occurring within the family environment – means that those affected do not always identify themselves as being at-risk or a victim. Even those aware of imminent risk might be reluctant to disclose or report the situation, due to potential implications for family members (cf. Vidal 2018;

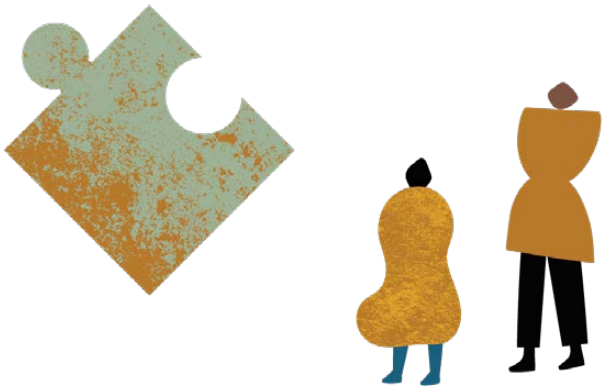
Stacey and Boniface 2019; Simmons and Wong 2021). In a smaller number of cases, forced marriage was not a current risk for clients of specialist family violence practitioners, as it has already occurred. The client had come to their service for assistance for intimate partner violence and revealed their experiences of forced marriage during the intake and risk assessment process:

It usually comes out alongside other issues. I know that other agencies such as the Red Cross and Centre for Multicultural Youth and other places work with young people and children, but for us they're usually adults. They come to us for their family violence and we find usually that over time with their case manager, we find out that she's experienced historic forced marriage. That's one category of client where she come to us and over a series of sessions and conversations our case managers, we then work out that she's actually 10 years ago was forced to marry someone or deceived into the marriage or something. (Specialist family violence practitioner, Victoria-based)

In our service, it's mostly those who have already been married off and then forced marriage comes up during the risk assessment. And then in talking to them and providing support, that's when you then identify this issue that you know the marriage in the first instance wasn't consensual. This woman actually did not consent. It can be complex. For example, in one case, the client herself was not ready and there was also a great sense of fear, 'if I start to identify this marriage as forced or as not something I wanted, what does that look like for me?' The husband's family was the only people she knew in this country. The support, the fear, the – you have to think about all – what that looks like for the client before you even start to explain what forced marriage looked like, because they might not then understand it and won't even explain it or not ready to engage in that conversation. (Specialist family violence practitioner, Commonwealth-based)

Practitioners' responses make it evident that forced marriage is rarely experienced as a solitary event or a crisis point in familial relationships. Rather, echoing findings from other research (cf. Anitha and Gill 2011; Gangoli et al. 2011; Zeweri and Shinkfield 2020), it is best understood as part of a process that is conceived in the family context – that is, it is part of a pattern of behaviour rather than a siloed event. While practitioners acknowledged that there are significant consequences for the freedom and mobility of those facing imminent risk of forced marriage, they emphasised the critical need to work with and provide support for their clients beyond the issue of marriage. These findings echo what is known about the dynamics of forced marriage: it is not just about the absence of consent or coercion into marriage; nor is marriage the only site of contestation or negotiation. Instead, coercive pressures to marry should be understood as a dynamic process shaped and precipitated by multiple factors. It is imperative to account for the complex familial, structural and socio-cultural dynamics that shape the context in which forced marriage occurs in order to tackle practical issues around responses and interventions prior to the marriage taking place – and concerning the exit from such relationships. The dynamics and coercive pressures that lead to marriage may also prevent its termination (Chantler, Gangoli and Hester 2009; Gangoli et al. 2011).





6.2 PERCEIVED VALUE AND CHALLENGES OF THE HUMAN TRAFFICKING FRAMEWORK

Notwithstanding the identification of forced marriage as a form of family violence, several of the participants talked about the importance of maintaining the human trafficking framework in confronting the problem. There are overseas dimensions of forced marriage, too, specifically an association with cross-border travel and exit trafficking:

In terms of forced marriage, we also see quite closely linked to other offences, other human trafficking and modern slavery offences, but particularly trafficking, exit trafficking. (Law enforcement official, Commonwealth-based)

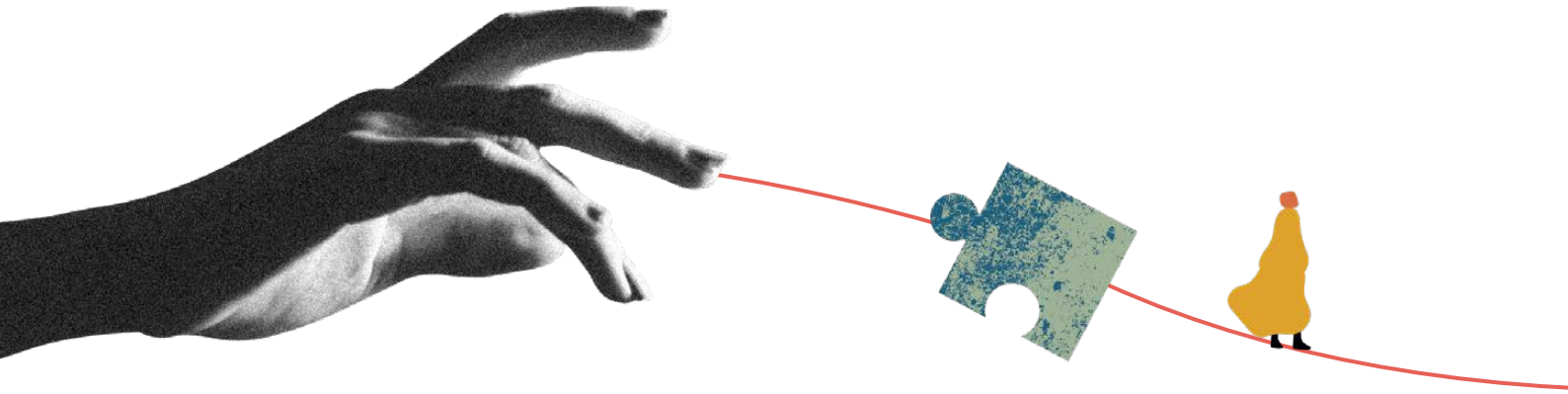
Often there is physical trafficking that happens when people are forcibly married, they might have to travel overseas to be married. I think that there is always an element of human trafficking and I'm a little bit rusty, I have to say, about the definition of trafficking but I believe it's around the crossing of borders or the movement of people. (Youth service practitioner, Victoria-based)

Throughout the interviews, there was frequent reference to the trope of a young girl or woman being brought overseas to marry an older man without her knowledge or consent. Practitioners and service providers stated that this was a small minority of the cases that they saw, but they emphasised the need for a multifaceted approach to forced marriage (i.e., both family violence and human trafficking) that can identify, prevent or remedy various cases of forced marriage through different frameworks:

What we're missing is the fact that often, these forced marriage offences are in conjunction with other offences such as exit trafficking, or where there is evidence overseas, and the Australian Federal Police have our international network and officers based offshore who are specifically positioned to be able to assist in that angle, the international angle that the state and territories just don't necessarily have. (Law enforcement official, Commonwealth-based)

One of the tools that we can discuss in a safety planning is airport alerts. So, if people are at risk of forced marriage, and they can often be offshore, we can place alerts on the people and things like that where we have concerns, particularly in relation to exit trafficking, which there's a very strong link with exit trafficking for the purpose of forced marriage offshore. So, we do have the opportunity to put alerts in opportunity and carefully manage those in conjunction with Australian Border Force, who actually action the alert at the border. So, if they do present at a primary line, then there's that final layer of protection. (Law enforcement official, Commonwealth-based)

There is undoubtedly value in the human trafficking framework, particularly for rescue or protective operations and for stopping unwanted travel and movement across (international) borders. But for some practitioners in specialist family violence and child protection services, using it must be weighed against its potential impact on their engagement with persons affected by forced marriage. The framework's location within the criminal justice system makes it problematic: contact with law enforcement is required for a person to be recognised as a victim of human trafficking and access related support provisions. There is evident reluctance by those affected by forced marriage to engage with an approach that is ostensibly victim-centred:



Often they don't want to go to the AFP because that's the only - to get support as far as I'm aware for forced marriage, you have to go through the AFP and then you get Red Cross support and all of that. But I think that a lot of the women that we work with, it's rare when they want to reach out to the AFP. (Specialist family violence practitioner, Victoria-based)

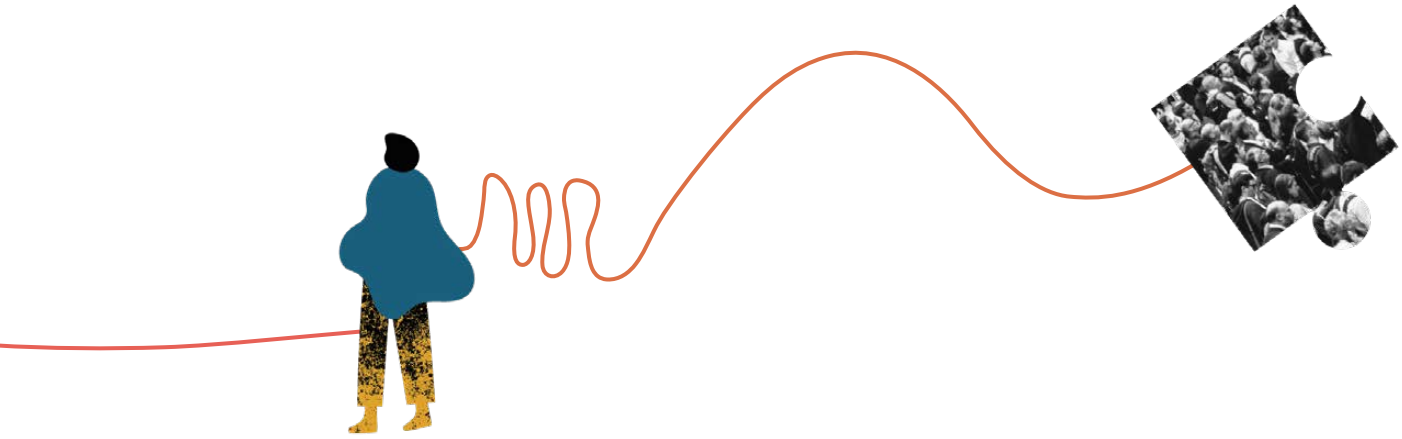
The concerns raised by participants around their clients' wariness of involvement or contact with authorities are not unique to this study. A large body of international and Australian research has similarly identified such reluctance by persons affected by forced marriage to come in contact with authorities or participate in the criminal justice process. This reluctance is due to concerns abound incriminating family members, or to mistrust of authorities, or to anxieties around potential alienation from family and community (Vidal 2018; Stacey and Boniface 2019; Aujla 2021; Simmons and Wong 2021). Mechanisms to protect persons at risk of forced marriage from exit trafficking are critically important – but practitioners' experiences, along with other research on forced marriage, suggest that access to systems of intervention and responses need to be delinked from criminal justice processes and/or contact with law enforcement.

6.3 'AT-RISK' OF VS HISTORIC FORCED MARRIAGES

Overwhelmingly, in respondents' feedback about persons affected by forced marriage, there was strong and consistent reference to children and young persons who are at-risk of forced marriage. But there was equal discussion of the issues pertaining to the provision of support services for affected persons facing imminent or immediate risk:

Now I think it's important to note a lot of the referrals we get in a forced marriage space are prior to any offence being committed. So, the referrals come to us either because there's a concern or someone's at risk of forced marriage. So, a lot of the work that we do in that space is more around disruption and prevention rather than prosecution. A lot of the referrals that we get are also not directly from the victim, they come from schools or counsellors or concerned family members, so we're not always hearing – it's not always the victim or potential forced marriage victim that does come to us for help, someone's recognised the indicators and that's when we step in. I guess as also you'd be well aware, it's a complex, complex matter because the offenders are more likely than not family members, and the victims are more likely than not underage – even if it's late teens or early 20s they're still very much in that family network and supported by the family network. (Law enforcement official, Commonwealth-based)

Discussions around the circumstances of adult victim-survivors and/or those who do not face current risk of forced marriage (i.e., where the marriage has already occurred) came to the fore in only two of the 12 interviews and focus groups. This correlates with the demographics of reported cases in Victoria and Australia more broadly. But it also points to how much emphasis is being placed on the entry point into marriages and preventing its occurrence, with much lesser focus placed on exiting forced marriages. Both the discourse around such situations, and interventions to address them, are framed in relation to the presenting issue of intimate partner violence, which is dealt with as wholly distinct from forced marriages. In cases where the affected person is already in a situation of forced marriage, support is primarily linked to criminal justice processes:



It really depends on what the woman wants and we find that often it's been historic she doesn't want to go to the Australian Federal Police. By that stage, she's often had children and she just wants the family violence to stop or she wants to leave the relationship. The case manager will provide her with that information, education and what we call cultural and emotional support. It's a case management model that - we link women with case managers from their own cultural background, if they're happy with that. If we can't get someone from the same cultural background we'll link her with someone from the same faith group or some other connection. Then our case manager will provide that support for her family violence. Often women don't want to go to the Australian Federal Police at that point. In one case, it happened 10 years ago. She has kids with him. There was one woman who was even longer, 20 years. Her kids had grown up and when she realised that what had happened to her was actually forced marriage, she's like, "What's the point in going down the road of prosecution?" She'll get treatment, support for her family violence usually. (Specialist family violence practitioner, Victoria-based)

This might really be a matter of the best resource allocation to address the most urgent risks to safety and security; however, existing research has also identified that the pressures to remain in forced marriages echo those pressures encountered at the point of entry (Chantler, Gangoli and Hester 2009; Chantler and McCarry 2020). Given the diverse support needs of this population, the absence of discourse around the service and support needs of persons who have experienced historic forced marriage – beyond criminal justice interventions – is particularly concerning. Moreover, evidence from domestic violence literature illustrates that for women in particular, experiences of violence are not the result of particular isolated incidents; rather, they are an ongoing part of their lives and their relationship, and they are sustained by other forms of coercion, abuse and control (Mahoney 1991; Minaker 2001; Walklate, Fitz-Gibbon and McCulloch 2018). This highlights the need to improve understanding of forced marriage and the diverse ways it occurs. Only by doing so can we develop effective responses to both forced marriage and other intersecting forms of family violence.

6.4 CALD AND MIGRANT COMMUNITIES

Another key element of participants' discussions of forced marriage relates to the association between forced marriages and culturally and linguistically diverse (CALD) and newly arrived migrant communities:

Our connection with forced marriage as an issue and as a series of policy impacts and stuff is really mostly through our contact and our work with multicultural communities, ethno-specific and faith based as well included in that. (Child protection service practitioner, Victoria-based)

We're stepping away from accepting that certain things are culturally acceptable overseas, and we're saying, 'Well, no, this is the law in Australia. There are very good reasons for this.' And trying to make sure that we're consistent across the country in the way we approach forced marriage. (Law enforcement official, Commonwealth-based)

I think what we're finding here as this issue (forced marriage) comes up more and more is that it's linked to a whole lot of other issues that are impacting multicultural communities – I'm using that as a general term – and women from multicultural communities in the context of temporary visas, in the context of seeking refuge, in the context of who it is that they're going to when they do need support. (Child protection service practitioner, Victoria-based)

When I first started, I asked the sorts of questions you've just asked, and I heard some of our people say, 'When we go into a particular cultural setting, at the end – the community will listen politely, and then at the end, say, 'Oh, well. Thank you for describing what's the law in Australia, and the expectation of policy. But our culture trumps all of that.' And it is, I would think, a very rude awakening to be confronted with, 'Actually, you don't want to test that.' I'm not saying anyone has actually said those words. But how do you then say to them, 'Well, it's the Australian law.'? (Specialist forced marriage service practitioner, Commonwealth-based)

We actually had one of the young people – they were so isolated from the rest of the community and not going to school, and raised in that cultural setting that they actually just accepted that this was part of their culture and agreed to go over at 14 and got pregnant to a 30-year-old guy in Iraq. They came back, but even when child protection was talking to this young person, she was still of the opinion, 'But this is my culture. This is just what we do.' It's much easier – most of the cases I've been involved with, the young person wants to get away from the family. (Child protection service practitioner, Victoria-based)

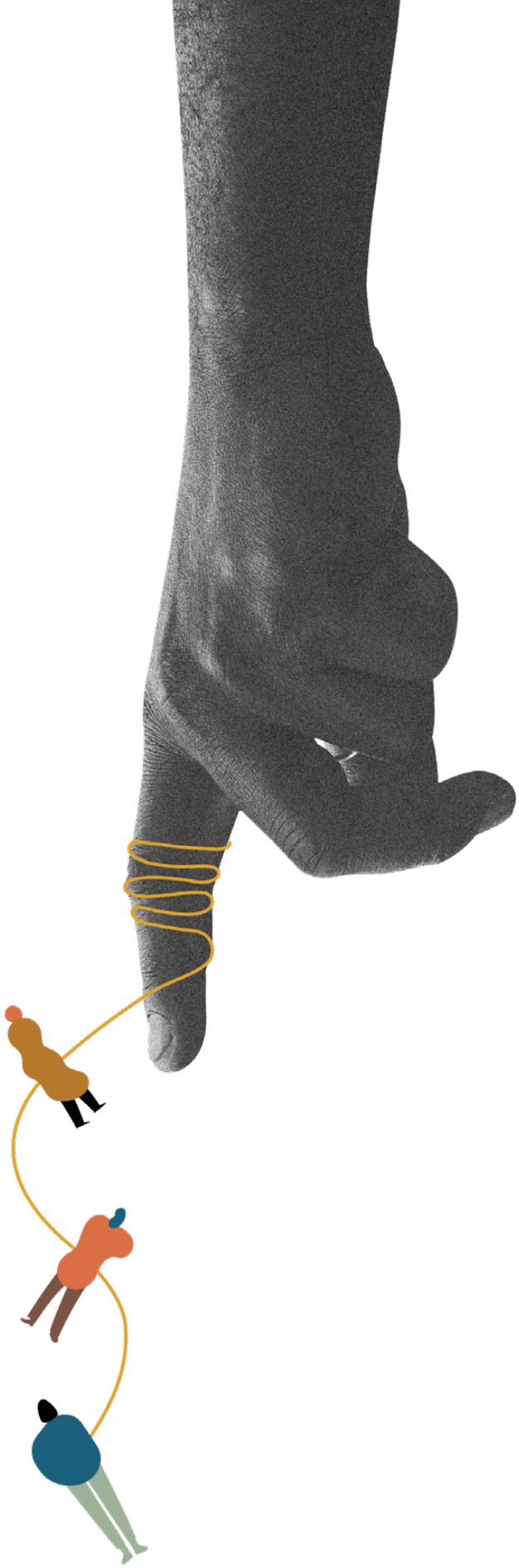
Practitioners and service providers acknowledged that forced marriage can and does happen to persons irrespective of their ethnicity, religion, age or nationality:

It's certainly something that's within the training that we do say, in effect, any – you know, any age, demographic, any person, any nationality. So, we don't focus our attention on any particular ethnicity. But what we do, is we analyse what we see in terms of the reports coming in, and that's where we can ebb and flow our efforts to support across the country when we see a certain spike in situations. But we don't go in saying, 'You should only be looking at this demographic, this age group.' Because we see it. It is across – people who are referred to the Support for Trafficked People Program, we have Australian-born citizens with no ethnic background who are suffering these crimes as well. (Law enforcement official, Commonwealth-based)

I've worked around forced migration for the last 20 years, but I think that most people who are experiencing forced marriage are from a multicultural background, whether they're first generation, second generation. I don't – it's not – and I don't think it's tied to any one culture either. I think that there is this assumption that it's only people who follow Islam or something like that, which I don't think is the case at all. (Youth service practitioner, Victoria-based)

Notwithstanding these concessions, the strength of this association remains apparent in participants' narratives; the occurrence of forced marriage was talked about predominantly in relation to CALD and newly arrived migrant communities. That persistent links appear between forced marriage and particular minority communities in Australia is unsurprising (even as we acknowledge that it occurs outside those communities): much of the existing discourse, knowledge and evidence has been centred on these communities. Wider research on dominant representations and understandings of forced marriage also reveals that, in Australia, the

issue is situated as a form of culturally based violence. This creates assumptions that particular ethnic and/or religious communities are especially vulnerable to forced marriages (Patton 2018). Participants' descriptions about prevention and educational initiatives indicated that these initiatives were often introduced and targeted at jurisdictions with higher numbers of newly arrived migrants and/or higher percentages of culturally diverse populations. These assumptions are also embedded in the Multi-Agency Risk Assessment and Management Framework (MARAM), where the question pertaining to forced marriage (i.e., did you have a choice about being married?) is categorised specifically under 'questions for people who identify as coming from culturally and linguistically diverse and faith communities' (Family Safety Victoria 2021 p.386). This is a significant finding. The issue necessitates closer attention across the forced marriage and family violence sector, given what is known about the limitations of an exclusive emphasis on religion, ethnicity or culture. At the very least, due consideration should be given to its interplay with gender, poverty, sexuality and immigration policies in both shaping coercive pressures and resistance to marriage (Chantler, Gangoli and Hester 2009; Walker 2020; Zeweri and Shinkfield 2021).



Forced Marriage as a Form of Family Violence in Victoria: A Welcomed Development

SEVEN

A key objective of this study was to determine how practitioners and frontline service providers perceived and understood the 2018 Victorian legislative amendment that formally positioned forced marriage as a form of family violence in Victoria, and what that meant in practice for their organisation's policies and operations. Participants in this study, including both Victoria-based and Commonwealth-based practitioners and service providers, expressed clear support for this shift. Specifically, several participants stated that while it has not necessarily led to a monumental change in their organisations' policies or operations, it was nonetheless a critical development that could have an impact on how the mainstream family violence sector understand and engage with the issue of forced marriage, improve victim survivors' access to family violence support provisions and enhance community engagement. However, a small number of participants also expressed reservations, particularly in relation to what it now means for multi- and inter-agency co-ordination and co-operation, not just across different Commonwealth-based and Victoria-based organisations that are already addressing forced marriage, but also across government agencies on the State and Federal level.

7.1 PRACTITIONERS' PERCEPTIONS OF THE RCFV'S RECOMMENDATIONS AND LEGISLATIVE AMENDMENTS

'There wasn't a significant shift because we already followed that (forced marriage as family violence), to be honest really.'
(Child protection service practitioner, Victoria-based)

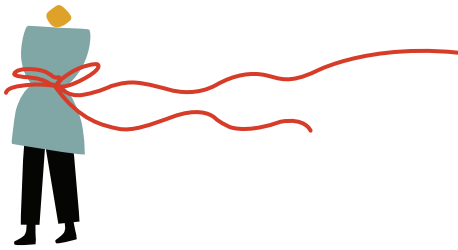
With such diversity in the service providers participating in this study, it is natural that there would be a range of perceptions about the 2018 Victorian legislative amendment – its promises and pitfalls and what it means for the service sector and for persons affected by forced marriage. Particularly for practitioners and service providers involved in child protection and family violence, the amendment was welcomed. It has not exactly been a catalyst for social transformation, however, or a trigger for operational and policy changes. The formal change in law has been seen as resulting from years of advocacy from the service sector:

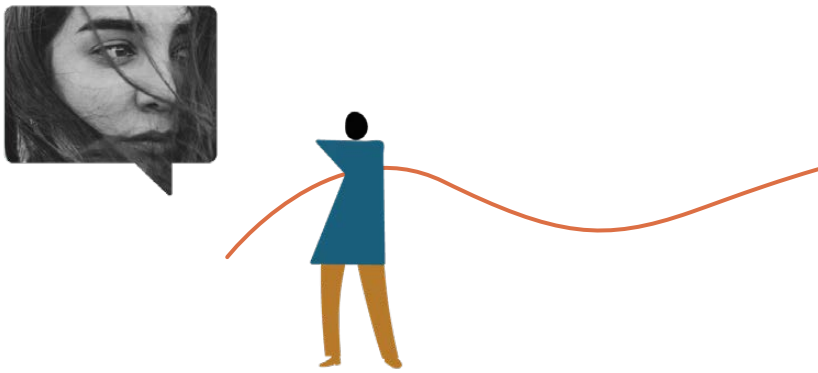
Even before the law came into effect, there's also been a recognition, I think, within the family violence sector that forced marriage was an issue. And I think that change in the law came from the advocacy that family violence service providers made with the government and all of that. That's when I think they thought about it and changed it into this is a form of abuse and we need to look at it deeply. (Specialist family violence service practitioner, Commonwealth-based)

I suppose being honest, there wasn't a huge shift once the Rec 156 came in, from my perspective, for child protection, because we already viewed it as a family violence issue. (Child protection service practitioner, Victoria-based)

Because we've always worked with cases pertaining to forced marriage, it feels like there hasn't been much of a change in terms of our organisation except now actually acknowledging that it falls under the legislation and we can work under the family violence stream more clearly. As an organisation, I feel like there hasn't been that much change because we were already doing it but acknowledging that there's obviously been legislative change. (Specialist family violence service practitioner, Victoria-based)

It is worth noting that all of the participants in this study have worked and/or are working in organisations that regularly deal with forced marriage cases, even if they are not categorised under the human trafficking and modern slavery sector. However, only a very small proportion of organisations within the family violence sector have experience with forced marriage cases. Hence, even though participants in this study have not described any substantial changes to their policies and operations, these observations should not be represented as pertaining to the entire family violence sector. Instead, findings suggest that mapping what is happening in other organisations within the mainstream family violence sector would offer more insights into the nature and level of resource investments and capacity building, if any. It would help us understand more of what more is needed in the overall response to forced marriage as family violence.





There were three key ways that participants perceived the categorisation of forced marriage as a form of family violence to be a positive development:

1. Capturing forced marriage under both the Commonwealth's Modern Slavery Act and Victoria's family violence framework broadens the scope of identification and support for persons affected by forced marriage.
2. It creates increased pathways and options of assistance and protection for persons affected by forced marriage.
3. It shifts the framing and language to forms that might be less alienating to the public, which is particularly pertinent to communities most associated with forced marriage.

7.1.1 BROADENING THE NET TO IDENTIFY AND CAPTURE PERSONS AFFECTED BY FORCED MARRIAGE

Several participants said that bringing forced marriage under the scope of family violence would allow persons affected by forced marriage to tap into either the Commonwealth framework or the State-based framework, depending on their needs and preferences:

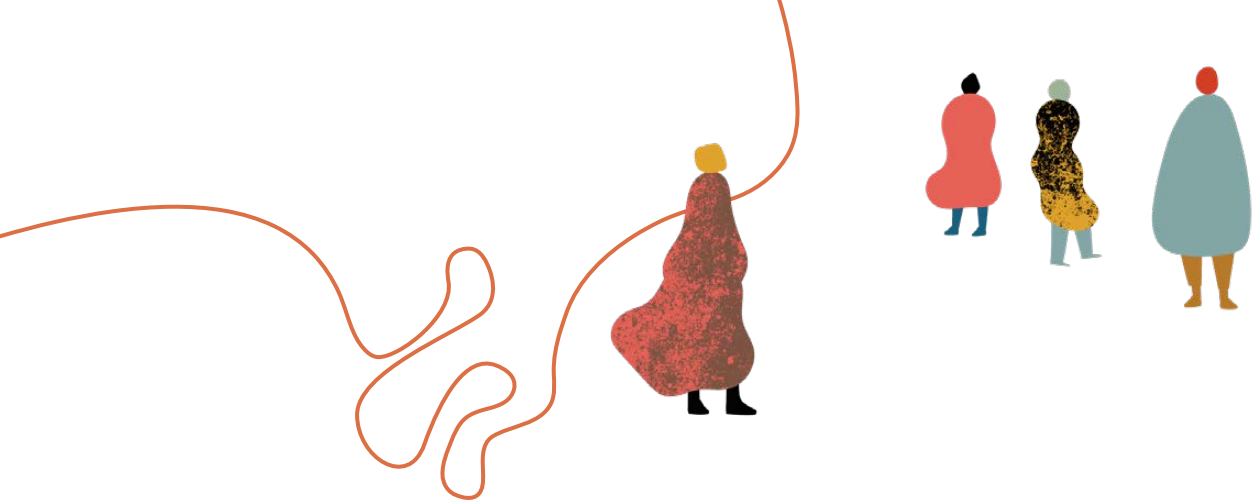
I think it does have a place in both Commonwealth and State based law. Sometimes it's really great if you've physically taken somebody overseas, married them and now you're trying to bring them back into Australia or you're trying to bring someone from overseas into Australia, that's great to have the trafficking laws and the weight of the Commonwealth Criminal Code behind that. But for those people that it's going to miss it's also fantastic to have State based laws. And I think we just pick up more. I think it's meant that more people are talking about it, more people are cognisant of it. Family violence units, multicultural organisation units, they're all aware of it now whereas before it might have fallen through the gaps. (Youth service practitioner, Victoria-based)

As one participant observed, in the current landscape incorporating both the Commonwealth and Victorian legislation, persons affected by forced marriage now have a suite of options from a family violence and criminal justice framework. Each offers different possibilities:

The good thing that can actually come out of individuals having those options. Because the way I look at it is that yes, forced marriage has been recognised as a form of family violence in Victoria, however I do not believe that in Victorian legislation forced marriage is illegal. That's only Commonwealth and within the trafficking framework. Which means that individuals would still have the option to go to the AFP and access the support program as an option. But if they choose not to then they can still access family violence services in Victoria. (Specialist forced marriage service practitioner, Commonwealth-based)

7.1.2 OPENING DOORS FOR VICTIM SURVIVORS TO ACCESS FAMILY VIOLENCE SUPPORT PROVISIONS IN VICTORIA

The ability of persons affected by forced marriage to access family violence support provisions in Victoria was identified as a main advantage of the 2018 legislative amendment. In particular, participants observed that this shift has afforded them a formalised framework to approach mainstream family violence services to secure access to resources and supports for their clients:



If a person comes forward as a victim of early and forced marriage, because they're under the family violence lens, they can access family violence packages and the financial brokerage systems that wouldn't have been available otherwise. So, that actually opens the doors to a lot more resources to relocate them, to offer them a new start in life, for instance, that would not have been available under the modern slavery lens. (Specialist family violence practitioner, Victoria-based)

For me as a case manager, it makes me feel more comfortable and clear in the support that clients can receive. So, I feel comfortable calling up Safe Steps and saying, 'You need to accommodate this person because their experience is actually family violence.' At least for me, it's provided me a bit more clarity as to which support services are available to the victim-survivors and I think broaden their options and the support available. (Specialist family violence practitioner, Victoria-based)

I think for us, the issues have been that I guess child protection needs to be able to identify other services and there are some really good ones out there but they're either struggling with capacity or they don't quite meet the criteria because forced marriage hasn't really been seen as family violence. (Child protection service practitioner, Victoria-based)

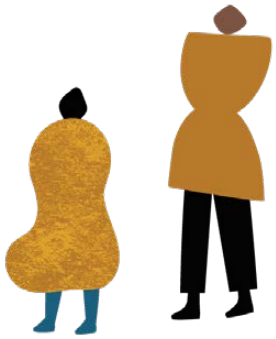
The investment in resources by the Victorian government to strengthen the family violence sector was also acknowledged as one of the indirect benefits for persons affected by forced marriage. This is because they now fall under the same category as other victim-survivors of family violence:

There's definitely a lot more funding coming through the family violence sector than there is through the modern slavery. So, because there's a little bit more funding, definitely a lot more opportunities to offer services. (Specialist family violence practitioner, Victoria-based)

Being eligible for family violence supports and mechanisms means that victim-survivors of forced marriage in Victoria will be able to access:

- After hours and emergency support
- Accommodation – short-term crisis accommodation, refuges and transitional
- Legal support – family violence intervention orders and safety notices, separation and family law
- Financial and material aid
- Personal safety and protection mechanisms – case management, risk assessments, safety planning, referrals and advocacy support
- Emotional and therapeutic support – counselling and support groups

Safe and Equal, the peak body for Victoria's specialist family violence services, has developed an online directory of family violence services available across Victoria. The formal recognition of forced marriage as family violence means that persons affected by forced marriage in Victoria would be entitled to access any of these services. However, currently there is no information to suggest if or how these supports are being offered; nor is their information on how victim-survivors are accessing these supports, and the extent to which it meets their needs.



7.1.3 POTENTIALLY PROMISING OUTLOOK FOR COMMUNITY ENGAGEMENT

'I think it's a step in the right direction that forced marriage is legally parked under this concept of family violence. I think it allows for a softer entry into the whole issue of forced marriage.' *(Specialist family violence practitioner, Victoria-based)*

Practitioners from organisations that work with CALD communities said that the shift in framework, and the corresponding shift in framing and language, would allow for greater congruity and acceptance within those communities. This was not just a matter of semantics. Practitioners identified it as having practical impacts; for example, community members may be more receptive towards educational and prevention initiatives or dialogues about the issue of forced marriage:

In terms of what does it mean for EFM to now be embraced within a family violence. I'll be honest with you, I think when we say early and forced marriage is part of modern slavery, they're, like, 'What? What do you mean? This is not slavery. It's my child. What are you talking about? This is in the best interest for her.' So, there's a greater disconnect, when you link it to modern slavery. When you're talking in terms of family violence that's a better connection. Because, yeah, it is a form of family abusing me. So, there is that ability to connect there than it is to a slavery concept. So, I think it benefits the community in transitioning it within a family context and parking it under a violence framework. (Specialist family violence practitioner, Victoria-based)

However, this perspective was not shared by all participants. Others commented that the framework of family violence was also likely to be met with resistance from targeted communities due to an over-saturation of the family violence discourse:

Because the family violence narrative is so flooded in all communities in Victoria, so where we say we want to do a family violence program, they're, like, 'No, I'm sick and tired of it.' So, even using the word family violence, they know about it, but if you were talk about it, saying, 'This is family violence program' it's a switch off. Because they're just tired of this whole concept. (Specialist family violence practitioner, Victoria-based)

The practitioner explained that to combat this, their organisation introduces family violence prevention and educational initiatives under the banner of safety and wellbeing programs. The topic of family violence and/or forced marriage is introduced only in the later weeks:

We never use the word family violence as an entry point even. That comes later in the program. The way we work in delivering community prevention services, is not through a one-off info session. It takes time to build those conversations. And minimally, it takes about six sessions to just get somewhere. Sometimes it goes to eight sessions. So, it's really intensive work, it really requires commitment. And sometimes those not in the know, they think – you just advertise, we're going to hold a conversation about family violence, how to protect yourself, and come for the session as a one-off talk. People in CALD communities won't attend. That's not going to work. And likewise, if you open a conversation about early and forced marriage. Nobody's going to attend. (Specialist family violence practitioner, Victoria-based)

These observations offer valuable points for consideration, especially in relation to bringing forced marriage into the conversation with CALD and newly arrived migrant communities and/or communities that have been barraged with prevention campaigns and educational initiatives. Our findings also highlight the implications of singling out particular communities as key targets of such programs. Even when well-intentioned, they can have the unintended effect of framing these communities as particularly vulnerable to forced marriage due to their culture and/or religious beliefs:

People know about it, are aware, but when we represent it as a one-off kind of conversation, info session, it becomes a talking down to. But these are the deep-felt conversations rooted in culture, that can feel as if it's a form of attack. So, they don't want to face that. They don't want to experience it. They don't feel safe. Unless you present them with a platform to feel safe and then open those conversations, then it works. (Specialist family violence practitioner, Victoria-based)

7.2 POLICY AND PRACTICE CHANGES FOLLOWING THE RCFV

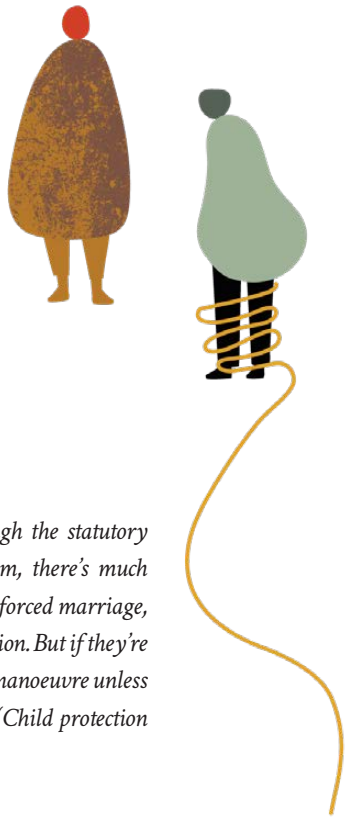
Notwithstanding the generally positive perceptions of the 2018 legislative amendment, support for the family violence framework has not led to significant or consistent changes in policy and operations. Conversations with frontline service providers and practitioners make clear that the legislative change in Victoria has led only to marginal shifts in policy and practice. There are two key reasons for this: (1) Victoria-based organisations that are across forced marriage cases have already been responding to it as a form of forced marriage, (2) The Commonwealth framework remains the primary mechanism driving interventions.

7.2.1 COMMONWEALTH FRAMEWORK REMAINS THE PRIMARY MECHANISM OF RESPONSE

The Commonwealth response, which is driven out of the move to criminalise forced marriage under the Commonwealth Criminal Code Act (1995) (Cth) is led by the Australian Federal Police - it remains the primary mechanism for intervention in cases of forced marriage. This was reiterated by Commonwealth-based participants who also noted that, while the introduction of the family violence framework broadened definitions, the Commonwealth response should lead responses in State and territories:

Predominantly, AFP has the lead to investigate this crime type (forced marriage) around Australia. And that's actually facilitated through national policing protocols that were signed 2021 by all commissioner of state and territory police forces. So, all state and territory police officers have essentially signed a document that says that the AFP will have the lead to investigate. (Law enforcement official, Commonwealth-based)

Ideally – and I have seen this happen – the state or territory police will know to contact the team in Melbourne, and the engagement will commence. So, we at least will have a police officer on the ground in that – whoever that victim might be – where we can ask some questions to say, you know, we maybe need to give some strong consideration to actually ensuring they're supported properly, and the best way to do that is to put them on the STPP. And the only way that can happen is by bringing us in. So, this is what we'd be advocating for to ensure that AFP then has the necessary access to the victim. (Law enforcement official, Commonwealth-based)



However, law enforcement officials also made something else clear: they may take the lead for investigations, but the nature of forced marriage also requires there to be much interagency cooperation and collaboration. Such collaboration occurs with state agencies (e.g., Victoria Police and Child Protection Services) and with organisations like schools, migrant resource centres, community legal centres and family violence service providers:

We understand because there is a lot of – I mean it is family violence. We don't go and knock on the door and make people aware that these allegations have been made because we're aware that would put potentially people in more danger. So, we don't do that. And our advice is always if anybody is at imminent risk then Victoria Police is – triple zero is their first call. (Law enforcement official, Commonwealth-based)

If we have received a report from an organisation, like the Department of Families, Fairness and Housing (DFFH) through Child Protection in relation to a young person, we recognise fully that they take the lead on the safety and wellbeing of that young person moving forward, and the matter as well. So, we can consult with them, and we have done in the past, joint assessments with organisations like DFFH, Child Protection representatives with complainants and/or alleged victims to ensure that they have the right support around them. (Law enforcement official, Commonwealth-based)

When reflecting on the value and limitations of involving the AFP in their operations, non-policing service providers and practitioners expressed a diversity of opinions. For some, the AFP are valuable for the tools they have at their disposal, especially to secure the physical safety and security of the person affected by forced marriage:

We notice is that if a child comes in through the statutory system or is already in the statutory system, there's much better ways for protecting them in the case of forced marriage, particularly if they're referred to child protection. But if they're not, it's a very difficult thing to manage and manoeuvre unless you can get some traction with the families. (Child protection service practitioner, Victoria-based)

In this regard, law and its associated processes (ranging from being able to tell families that forced marriage is illegal, to airport alerts and removal of affected persons) afford practitioners and service providers the means to obtain a 'way in' with families. Yet the involvement of the AFP can make it take much longer to establish trust and good relationships with their clients and families. One participant noted that such situations were especially prominent when the cases had been referred to them by the AFP:

By the time it sort of gets to us, a lot of the families we work with kind of associate us already with like a police response, so we have had a lot of difficulty getting good engagement. It can take us quite a while. It's obviously – it's challenging because a lot of them come through without directly outlining it's a forced marriage concern, but you can get a sense maybe that there are other concerns and then establishing if that's truthful or not, if there's any evidence with that. But in other cases, where someone else has mentioned to the young person, or they know about this (forced marriage), and they know about their rights, and they're really clear about what can and can't happen in Australia, we're much more able to work with them around where's a safe place for them to go. The challenges are identification and supporting the children in those situations – often we've had no choice but to look at sort of the legal frameworks around them because it's the only way to stop them leaving the country when we know something's pending and then think about next steps. (Child protection service practitioner, Victoria-based)

In terms of interagency cooperation and collaboration, participants did not describe any changes to the extent and nature of AFP involvement following the 2018 legislative amendments. Participants in specialist family violence and youth services stated that they would make a referral to the AFP (or file a report to Victorian Police), depending on whether the person at risk was a minor or an adult, and whether risk was perceived as imminent or not. Where the affected person is a minor, protocol dictates that Child Protection Services and their policy must be involved. However, for young persons between 16 and 18 years of age, processes are less definitive. Decisions about involving the authorities are weighed against what the client wants and their level of risk, which is determined through regular risk assessment and safety planning processes:

So, it would depend on the age of the client as to how we would act. If they were under 16, always we would report to Child Protection and police because we have to. In between 16 and 18 there is a little bit of a grey area in some ways because we have to consider do we think the young person is able to make a decision about how they would like the issue dealt with, so in any sort of sexual abuse or family violence or anything like that that 16 to 18 we have to do an assessment. Do we think they have the capacity to make this decision, to keep themselves safe? If the answer is yes, then we ask the young person what they want us to do. If the answer is no, then we would treat them in the same way as we would under 16, that we would just report. (Youth service practitioners, Victoria-based)

Participants further explained that, with the exception of cases that directly involved children, on this matter of making a referral to state authorities (such as VicPol, AFP or Child Protection Services), they would in the large majority of cases prioritise the wishes of their clients. Participants noted that these organisational processes were put in place before the 2018 legislative amendment and remain unchanged.

7.2.2 MARAM AND THE FAMILY VIOLENCE SECTOR

In Victoria, one of the most evident and significant developments following the 2018 legislative amendment was the recognition and inclusion of forced marriage within the Multi-Agency Risk Assessment and Management Framework (MARAM). This marks a departure from the preceding Common Risk Assessment Framework (CRAF), which had not included forced marriage:

The MARAM context starts with the Act and the amendment to the Act where forced marriage has been included and dowry abuse as well in 2018. So, it becomes a type of family violence in that legal respect. And then through the multiagency risk assessment and management framework, there are a set of tools that people use, and in the comprehensive risk assessment tool there is a question about did you have a choice about being married. So, if you go to responsibilities seven and eight, you can pull out where forced marriage sits within the context of risk management, and as a risk factor. I think if you pull out that context, it means that a practitioner can ask someone about – and find out in their assessment whether they are – they have been forced into marriage through that, and then work through the different risks that that brings with it and work through a management plan. So, it does firmly sit within context of family violence in that regard. (Child protection service practitioner, Victoria-based)

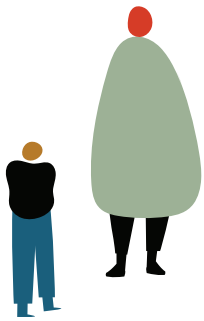
The significance of including forced marriage within the MARAM was consistently highlighted by Victoria-based participants, not least because it provides a systematic framework through which the occurrence of forced marriage can be identified. This occurs via prompts that explore the presence of controlling behaviours and other identified risk factors:

With the MARAM roll out now, more and more staff are doing family violence risk assessment training, which I think is really positive because I think through doing a family violence risk assessment, we are likely to pick up if there are concerns about forced marriage because we'll pick up if there's other risks around safety or coercion, control. (Youth service practitioner, Victoria-based)

Participants said that in many of the cases they encounter, victim-survivors (and the community at large) have limited awareness of forced marriage and its applicable laws and protections in Australia. In this regard, the need for practitioners to be able to identify the risk factors and presence of forced marriage becomes especially pertinent. Our findings thus far have highlighted the complexities in determining coercion and consent, and more broadly, the complexities of identifying the risk or presence of forced marriage, especially for those who have no experience or foundational understanding. While the MARAM (along with more training and community engagement) has the potential to support practitioners in casework practice, it is in its infancy. Findings from this report highlight that more research is needed to determine how well MARAM is translating to practice for forced marriage, and how it is being utilised or implemented by family violence services.

Regarding the inclusion of forced marriage under the scope of family violence, and what it means for the relevant stakeholders, participants did not reference any other major developments to reconsider, at least in relation to the wider family violence sector (including both state agencies and non-governmental organisations (NGOs) beyond the MARAM). One participant shared that plans are underway to support Orange Door networks to connect with local communities. This will promote an in-depth, community-informed understanding of forced marriage and the necessary interventions and initiatives:

What the Orange Door networks are starting to do is starting to connect better with their local communities. And I think that's where some of the more nuanced work will emerge where you're actually talking to those communities and finding out what the issues are, what's coming up, what the barriers are to access and how best to connect in with people who are sitting within that forced marriage context of family violence. (Specialist family violence service practitioner, Victoria-based)



Notwithstanding the importance of all of these initiatives and measures, findings from the study suggest that there is currently much emphasis and focus on action, or more specifically, on the expansion of service supports for persons affected by forced marriage. This is imperative. However, findings from this study also suggests that there is a need for broader reflection about what it means, conceptually, to recognise forced marriage as a form of family violence. How will it change the ways in which support and interventions are offered under the family violence framework? How will it account for nuances specific to family violence and the needs of persons affected by forced marriage? And, on a wider level, what are the implications, if any, for national conversations around coercive control, which has been largely framed in the context of intimate partner violence (IPV)? These issues are explored further in the next section.

Barriers & Challenges

EIGHT

8.1 TRAINING FOR FAMILY VIOLENCE PRACTITIONERS AND OTHER FRONTLINE SERVICE PROVIDERS

'It really comes down to how much the practitioners know.'

(Specialist family violence practitioner, Commonwealth-based)

Consistently, participants identified an urgent need for more awareness, knowledge and training to be developed for the mainstream family violence sector and frontline service respondents (e.g., police force, health services). They stated that despite introduction of the forced marriage legislation, their experiences reveal that foundational knowledge and understanding of forced marriage has not been institutionalised as part of understanding of family violence in Victoria. The lack of awareness of the implementation of the forced marriage legislation was highlighted as a particular problem:

When I was at the mainstream service, it was so foreign. I don't think family violence workers there would feel confident and comfortable to respond to that family violence. I think it's just not seen enough by workers. They're not responding to these cases enough. It's just not something that they work with often so there's a reluctance to - or not reluctance but if you don't have experience working in this space then you're not going to feel comfortable. And I think there's also a lot of practitioners don't actually know that forced marriage falls under the definition of family violence. I don't think that's been understood by the sector. (Specialist family violence practitioner, Victoria-based)

But, reflecting on forced marriage as a form of family violence in itself, it really comes down to as well how much the practitioners know. How comfortable are practitioners to have those conversations as well with victim-survivors. For instance, I can give you from my own example, firstly how many practitioners are aware that it's even – it's a law now that has been passed. I didn't know until about last year. (Specialist family violence practitioner, Commonwealth-based)

Advocate. Educate police. Because I was shocked with their idea – Even the family violence liaison officer had little to no understanding of family violence. So, it says a lot in that regard. And here they're meant to be the ones who are providing their police force with information and advice and guidance around managing family violence cases. I think it's really critical police as well as the courts and training needs to be rolled across – not just tailored to the family violence space. Because we can do all the work, but at the end of the day when police get involved, their decisions trump – they hold the trump card. So, it gets really tricky. And as much as we advocate, they need to be putting things in place as well. (Specialist family violence practitioner, Victoria-based)

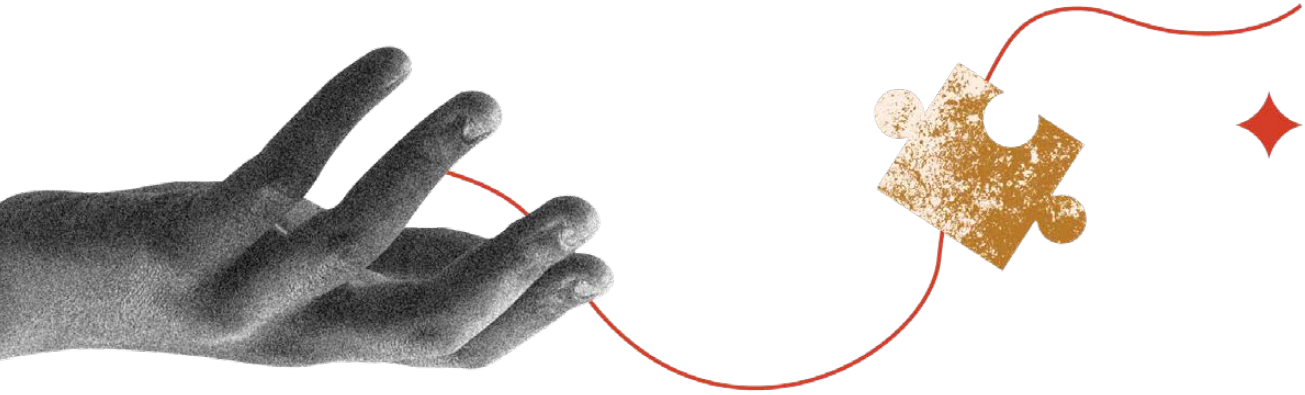
The need to ensure that family violence practitioners and frontline service delivery agencies are well-informed and well-trained in foundational understanding of forced marriage cannot be understated. At the very least, it would bolster co-ordinated pathways of support and improve victim-survivor outcomes. These agencies also play a critical role in identifying and recording cases. Yet, as one participant aptly put it:

Unless you have forced marriage in the front of your minds or you've worked in the space or you had a client with that you're unlikely to – you're less likely to pick up on indicators quickly. (Youth service practitioner, Victoria-based)

Participants note that equipping practitioners and frontline service respondents with fundamental knowledge is simply the first step. Other key aspects of training pertain to the ability of caseworkers or frontline service respondents first to identify the risk or occurrence of forced marriage with accuracy, and then engage with persons at-risk or in suspected forced marriages:

I had supported a client maybe about three, four months back to the police station to make a statement. And as the client was giving the overview of what happened over the counter before they went into the room and I just interjected and told the police officer, just a sentence around the marriage and my concerns. And the response from the police officer was, 'Oh, well, even if it was between the family, she agreed to it.' And when I read the client's statement after the interview with the police officer, nothing was discussed or even written about the marriage or what that marriage looked like for this client. So, I think there's a lot of work – Yes, it's the law, but for that law to be impactful and to support victim-survivors there's a lot of work to do around training and letting practitioners and people in this field know what this looks like for victim-survivors and what we can draw from it as practitioners. So, I think that it where the greatest impact is going to be. (Specialist family violence practitioner, Commonwealth-based)

Participants explained that a key challenge in this process is working with clients and asking the right questions to determine if they are indeed at risk of forced marriage. They acknowledged that this can be especially difficult to navigate as many of the concepts that underpin forced marriage (such as consent and coercion) are not definitive or immediately apparent. Participants highlighted the importance of investing



in culturally responsive training so that caseworkers and frontline service respondents are equipped with in-depth understanding of the interplay of marriage practices, familial dynamics and coercive pressures:

A lot of these concepts have a lot of grey areas. It's not so black and white. When we explore the whole concept of consent with young people, it's easy to say, 'You must say yes' or 'You must agree' or 'You have the right to say no.' But to some young people saying no means being disloyal, being ungrateful. That my sacrifice is a form of me paying back for all what my parents have done to raise me. So, it's a very grey area. So, they may say yes, but they're not really into it. How do you define those grey areas? The law is there, but the human experience is a very grey area in terms of the interpretation of those concepts. And it can only be explored in conversations. (Specialist family violence practitioner, Victoria-based)

So, I think, a greater – not training sort of, maybe a training module, or something, for practitioners to be able to understand, or in the MARAM itself, what it is that I'm looking for when I ask this question (on forced marriage). Because if you ask a question around 'Did you agree to marry this person?' and the person say, 'Well, it's arranged between families' that's where it will end for most of the practitioners. They will not want to dig deeper into what happened, how did that happen and all of that. Because, that's when you could then get into this was actually a forced marriage, not just an arranged marriage where it's a cultural issue. Now, explaining that is another aspect. Explaining to the victim-survivor is another issue that you will need to skilfully deal with. Because, if I'm from a cultural background where marriages are arranged and I know this is a way of life, for me to then be told, actually this is wrong. It becomes you're criticising my culture and things like that. So, you have to skilfully and sensitively explain this to the victim-survivor why you think this is not a good way of living your life and all of that. (Specialist family violence practitioner, Commonwealth-based)

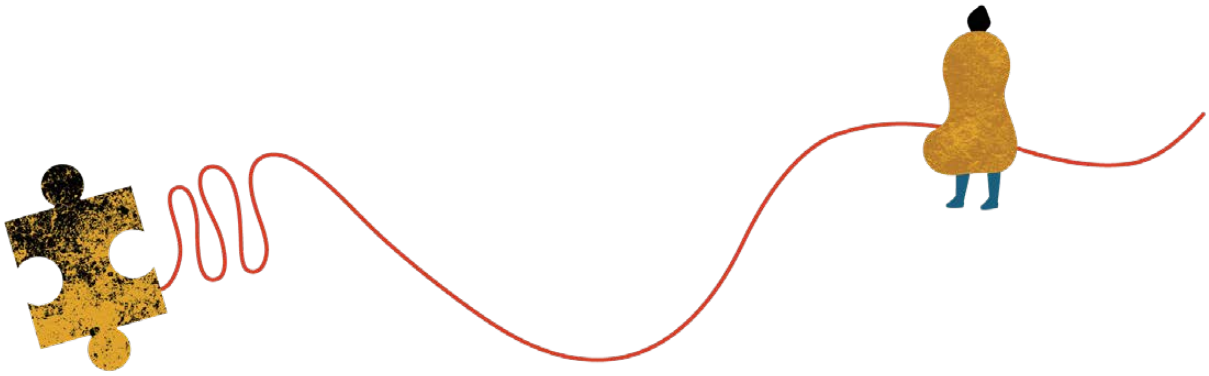
That aspect about gaining consent, even for practitioners to tease out, like in terms of this relationship that you'd had with the perpetrator – using the word consent and unpacking what consent means in a marriage, just providing them that education around understanding that in itself is so critical and key. And, if a practitioner isn't at that stage or it doesn't come to them as second nature, it will be lost. That discussion won't move further. (Specialist family violence practitioner, Commonwealth-based)

8.2 SUITABILITY OF CURRENT INTERVENTIONS AND APPROACHES TO ADDRESS FORCED MARRIAGE

'Even when they might be eligible for these services, those services might not be suitable for them. It's really about suitability and not only availability and is the fact of really being mindful of the fact that their needs are completely different.'

(Specialist forced marriage service practitioner, Commonwealth-based)

The suitability of existing interventions and responses was another key aspect several participants raised. They said that the issue was not simply about the availability of services (i.e., whether such services exist), but the extent to which such services were appropriate and sufficient to meet the diverse needs of persons affected by forced marriage. Participants explained that there should not be a one-size-fits-all situation. There should be more awareness and understanding of the needs of persons affected by forced marriage, which can be relatively different from those of victim-survivors of other forms of family violence. For example, referencing the situation of young girls who



had to access crisis accommodation, one participant described how and why current shelters, which are designed for mothers and/or older women victims of IPV, may not be suitable:

Even when they might be eligible for these services, those services might not be suitable for them. It's really about suitability and not only availability and is the fact of really being mindful of the fact that their needs are completely different. The situation of a person that is at risk of forced marriage who is a minor, who has never left the family home for example, is completely different to a person who has experienced any other type of domestic violence. What we have identified is that in some situations when refuges might be available for them, when they are arrive there it's like their focus of those refuses is on the family, on how do we strengthen the family as a unit and things like that, and they're alone. Their focus is not their family. Their focus is not their kids. They are kids. It's kind of a completely different focus. (Specialist forced marriage service practitioner, Commonwealth-based)

Three other key themes have emerged through data analysis concerning the suitability of existing interventions and approaches to address forced marriage:

1. The way responses engage with families of affected persons, and the extent to which they do so
2. The longevity of existing programs and support measures
3. The emphasis and focus on CALD and newly arrived migrant communities.

8.2.1 INTERROGATING 'FAMILY' IN THE RESPONSE FRAMEWORK

'It's a really tricky situation because as family violence case managers, we don't typically work with perpetrators'

(Specialist family violence practitioner, Victoria-based)

Australia's first evaluation report examining the STPP (Stacey and Boniface 2019) identified that family and community connections were of particular importance to victim-survivors. One of the report's key recommendations was the need for systems and interventions to move away from an individual model of support – that is, to engage in responses that offer support and protection without causing separation or preventing future reconciliation between victim-survivors and their families (Stacey and Boniface 2019). International research from the United Kingdom and other jurisdictions has also consistently established the need for support and prevention strategies to take into account the centrality of community for persons, especially young persons, affected by family violence (Tarr and Gupta 2020; Aujla 2021; Villacampa and Torres 2021). The risk of rupturing family relationships and ties has a discernible impact on the affected persons' willingness to come forward and seek help; they are concerned about incriminating family members and facing social isolation (Zeweri and Shinkfield 2020; Aujla 2021).

Participants in this study observed that, for their clients, family ties and the capacity for reconciliation or the reconfiguration of healthy relationships were particularly important. They do not want to be estranged from their families (and community):

What was mostly important to them was maintaining family relationships, which is missing from the framework in terms of response. (Specialist forced marriage service practitioner, Commonwealth-based)

Practitioners and service providers acknowledged that current policies, both at the Commonwealth and State level, demonstrate little consideration for how systems and processes of intervention can involve the family in a meaningful way. One participant stated that this would require a rethinking or expansion of what 'help' means to victim-survivors:

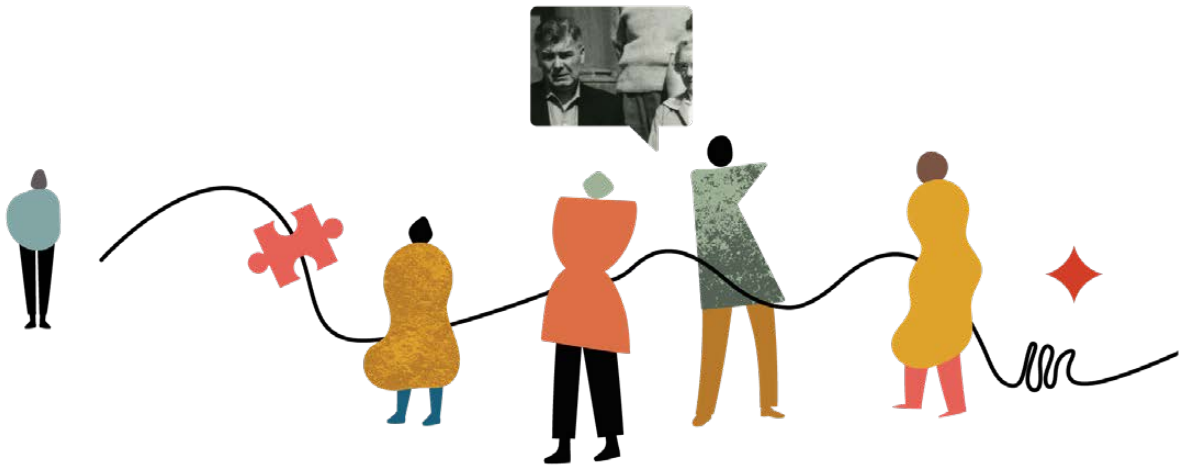
I do wish that the services angle holds true to the concept of family. Because, I think we need to relook at how we're supporting young people, especially for migrant communities, deal with this experience. I think their challenge about exercising their rights is real. There's a lot of guilt, there's a lot of feeling torn between two pathways. So, expanding what the concept of help means to victim-survivors is important. (Specialist family violence practitioner, Victoria-based)

In discussions about interventions and responses to cases of forced marriage, all participants explained that the approach is predominantly focused on the individual (i.e., the person affected by forced marriage). For some participants, this approach results from their victim-centric framework. There were instances when they would engage with the families of the affected persons, but only with the permission (or by request) of the affected person; it is not part of their regular protocol:

What we would offer are family mediation services. If we were at pointy end, we could get the AFP come in and do a disruption. But there are so many other things that would be more effective than having the youth worker call their parents to have this conversation, and then next minute have the parents stop all contact. So, I would be unlikely to encourage any of my staff to do that, to engage with the family. But we do work in the family context, so we do consider the importance and value of family. And we have done and do some family work, when the young person wants us to and when it's in the best interest of the client. (Specialist youth service practitioner, Victoria-based)

Other practitioners and service providers in the family violence and youth services sector explained that it is very rare for case workers in these sectors to engage directly with family members. They outlined two key reasons for this. The first is a lack of expertise in dealing with families – which was perceived to fall under the purview of family mediation services. The second reason is that the system has not been designed for such engagement; inclusion of family members in intervention and support process is instead perceived to run contrary to the principles of family violence service:

I don't think we're the service to do that. I don't think – we're not a family mediation service. We're an early intervention service. So, if there was a whole range of issues going on within the family and it was around family breakdown, then we would go in and do some family work. That's fine, but if we've got a situation where there's an imminent forced marriage and that's the main presenting issue, we're not the type of service that has the skill base to do that really complex family mediation. I would want a specialised family mediation service to be doing that. (Youth service practitioner, Victoria-based)

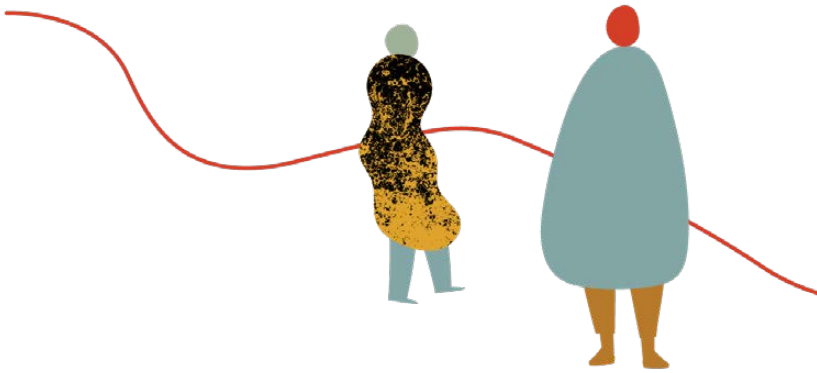


It's a really tricky situation because as family violence case managers we don't typically work with perpetrators. Sometimes women don't see the parents and family as perpetrators but certainly as an organisation that's the way that we work. (Specialist family violence practitioner, Victoria-based)

Because from a family violence service lens it's a collusion, a form of collusion. So, we don't. And we technically say 'If somebody works in this space, we can't speak with your family.' But I do sometimes tell teachers they are in a better position to speak to families. Because teachers have the right to access families. So, they can have conversations with the families if they want. (Specialist family violence practitioner, Victoria-based)

Concerns around collusion are indisputably valid and they need to be taken seriously. But involving the family (and assessing how they are already involved) cannot be taken lightly either for people who place high importance on family relations. One of the primary problems with the current model of non-engagement with family members points to an understanding of family as a site of violence. It almost always unequivocally frames family members of affected persons as perpetrators of potential violence (Zeweri and Shinkfield 2020). Research on familial conflicts, contestations and negotiations, especially between parents and children, suggests that the parent-child relationship and familial dynamics are far more complex than is being captured through the current perpetrator-victim model (Gill and Harvey 2017; Villacampa 2019; Zeweri and Shinkfield 2020). It must not be forgotten that people subject to forced marriage are victims. But to frame the problem solely through that lens is overly simplistic; it has a tendency to foreclose considerations of how victim-survivors can negotiate their lives within family, community and culture in ways that are not about family separation or condemnation of those very elements (Razack 2004; Walker 2020; Zeweri and Shinkfield 2020). Our findings suggest a need for policymakers and stakeholders to shift away from the perpetrator-victim binary, so emblematic of a criminal justice framework. They need to think about alternative ways of navigating the risk of entry and exit from forced marriages in an effective (and culturally legible) manner that is responsive to the needs of victim-survivors. One participant explained that the current model is not perceived as being substantively accessible or suitable:

That's the limitation of a lot of the services around forced marriage with young people. Because it assumes a very – I'll call it a western model, where it assumes a young person has full decision-making authority over her decisions. It assumes she's very independent and will stand up for her rights and be ready to leave the family and seek her own independence and her right of journey. But you find that in a lot of CALD community young women, even young men, they are not with those kinds of mindsets. They're very family-oriented. Severing those relationships takes a lot of thinking through. So, when services are about disrupting that relationship, it's actually preventing a lot of people from seeking help. Because it's seen as severing relationships. The common thing is to take away the young people, put them in a housing shelter somewhere and not repair that relationship That's not going to work out for this girl, nor the family. How long will she be staying on her own in that shelter? And she's going to feel very isolated. So, the whole way in which service is delivered and offered is to also rethink it from a family systems angle, not just a victim rights – Not that that's wrong. It's just that it doesn't quite connect with victims. (Specialist family violence practitioner, Victoria-based)



When it comes to instituting, guiding and supporting the relevant systems and frontline service delivery agencies – both to improve understanding about the needs and experiences of victim-survivors and provide initiatives to improve outcomes – leading family violence agencies in Victoria play an especially important role. As one of the participants reflected:

I think it would be good to have clear guidance, where the clients doesn't want to - where the client wants to remain engaged with her family and there's a kid maybe in the picture and doesn't want to separate from her family, how do we navigate the process of mediation in a way that's appropriate to the forced marriage context? I think having those clear referral pathways for clients who want to stay in touch with their family, I think that would be really helpful. (Specialist family violence practitioner, Victoria-based)

Across the interviews, several participants also commented on the importance and value of engaging families and community in prevention initiatives and educational campaigns:

It's all very well to have legislation to ensure that every situation is covered or whatever, but however, with these cases it's the community awareness, community supports and community involvement – that's where we can come up with ways in which to support women in these situations. Because even with the legislation at the moment, the issues that are arising to do with community, well what happens next? (Specialist family violence service practitioner, Victoria-based)

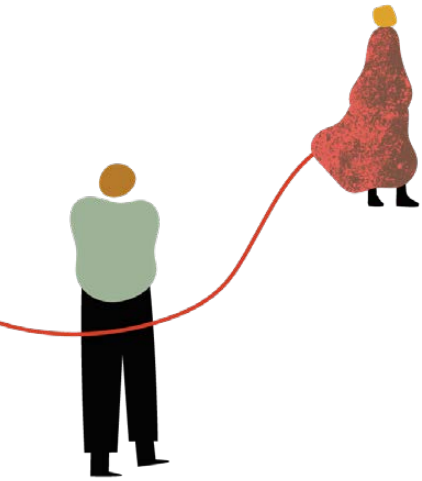
Participants' descriptions reveal that current prevention strategies are predominantly centred on educating communities about the laws in Australia. This is done via pre-departure/arrival information or in-person information sessions. Their objective is to lay out for community members what is legally permissible in Australia, and what is not:

And a lot of settlement work – a lot of settlement work happens with parents. We advocated for forced marriage to be included in their life in Australia book for new migrants coming in and not just from CALD communities but everyone, anyone who's entering into Australia. So, it had really been tackled that that really front end before you even enter the country that they're aware of what the expectations are and how it is here. (Child protection service practitioner, Victoria-based)

I think in terms of respectful relationships, it's the awareness-raising around what is family violence at a community level which is really important to help people understand that family violence includes things like forced marriage. (Child protection service practitioner, Victoria-based)

I mean a lot of – there's still I think a lack of awareness or a lack of knowledge across communities that forced marriage is an offence or what forced marriage is. So, we try and play a part in raising awareness for that as well because sometimes it's a simple conversation or some sort of action we can take to highlight that it's an offence, and it's a serious offence that carries a fairly significant penalty. That explanation or that education piece works some of the time. (Law enforcement official, Commonwealth-based)

The value of prevention and education programs cannot be understated, especially for parents and the wider community who have direct roles to play in cases of forced marriages:



Clients come to us because of the risk (of forced marriage) and they leave when the risk still remains because nothing has changed in the family environment. Because there is not a lot of prevention, community prevention programs that exist nationwide, that are sustainable, that are ongoing, that are funded for some time. (Specialist forced marriage service provider, Commonwealth-based)

Participants shared their knowledge of prevention education initiatives (e.g., Respectful Relationships) that complement prevention campaigns for the wider community. These initiatives have been introduced in schools to educate children and young persons about forced marriage. They also cover the types of supports available to them, from legal provisions to alternative support services such as emergency shelters and social workers:

I think the recent introduction to the education system, to have conversations around consent across the entire school system, I think that's important. Because it introduces the knowledge of consent to young people. Unfortunately, that same information is not cascaded down to parents and families and communities. So, we have what we call a knowledge dissonance between young women being very knowing of their rights and the parents are lagging, they're not knowing what's happening and feeling as if that behaviour is disrespectful. So, that dissonance needs to be bridged. (Specialist family violence practitioner, Victoria-based)

We have these programs that are in all high schools around respectful relationships. And all it needs is a small piece of information in those existing programs around consent and choice and what forced marriage is and what arranged marriage is and then you're going to get a whole range of young people, some of who might be at risk of experiencing this and some who might not but their friends are. And so, we also know that young people, the first people they tell when they're seeking help is their friends, most of the time. So, the more people we can educate around it the better. (Youth service practitioner, Victoria-based)

The low rates of self-identification were consistently highlighted by research participants, as they have been within the wider research literature (Chantler, Mirza and Mackenzie 2022). Yet, as Gill and Gould (2020, p.99) note, 'women and girls without access to support services, those whose family members and/or community are complicit and those whose lives do not intersect with statutory agencies are unlikely to be identified by third parties: in these cases, victim disclosure offers the only realistic prospect of assistance.' One objective of prevention education campaigns – as of improved awareness about forced marriage and the interventions that can be accessed by victims ¬– is to give children and young people the tools to identify risk factors in their peers. In this regard, their importance cannot be understated. Initiatives seeking to inform and increase public awareness of the parameters of Australian law are similarly necessary. However, as Zeweri and Shinkfield's (2020) study points out, it is insufficient to focus only on educating people about laws or support – that is, about matters that become most relevant at crisis points. Instead, they argue, there is a need for continued analysis into how persons affected by forced marriage are coping with the spectrum of experiences – and for building on that knowledge to develop community-led prevention strategies offering tools to prevent and resist pressures and coercion into marriage. Our findings similarly illustrate the need for greater investment in community-led and evidenced-based prevention education initiatives that take a more expansive approach – one that substantively involves families and communities.

8.2.2 SUPPORT AND ASSISTANCE BEYOND THE CRISIS-POINT

'But how about the long-term support for someone to fully recover because it takes quite some time.'

(Specialist forced marriage service practitioner, Commonwealth-based)

A consistent theme throughout this report, and a long-standing critique of the Commonwealth forced marriage response pertains to its incident-based approach. That approach is focused on responding to crisis points (Stacey and Boniface 2019), a feature also emblematic of the family violence framework (Walklate, Fitz-Gibbon and McCulloch 2018). Several practitioners in this study identified the importance for persons affected by forced marriage to have services respond to their immediate needs. That includes putting in place safety planning or risk-assessment processes to ensure their safety and wellbeing in the short term. However, they also acknowledged that for victim-survivors, it is insufficient to be thinking about safety and wellbeing only in the short term:

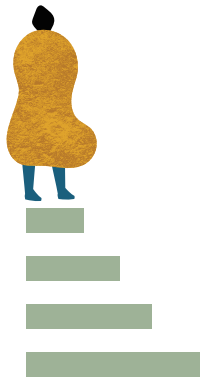
It's quite challenging and there is really a gap because most of the talk is really about the at-risk. But if you actually think about those individuals that have been in a forced marriage that have also exited the support program, there is a lot of legal support they need in terms of the custody of the children for example. What I would think suggest, is the long-term recovery. Because someone leaves, usually family violence services or, say, even the support program, we are involved at that crisis point. But how about the long-term support for someone to fully recovery because it takes quite some time. I think there needs to be supports that individuals can tap into as and when it's actually required. (Specialist forced marriage service practitioner, Commonwealth-based)

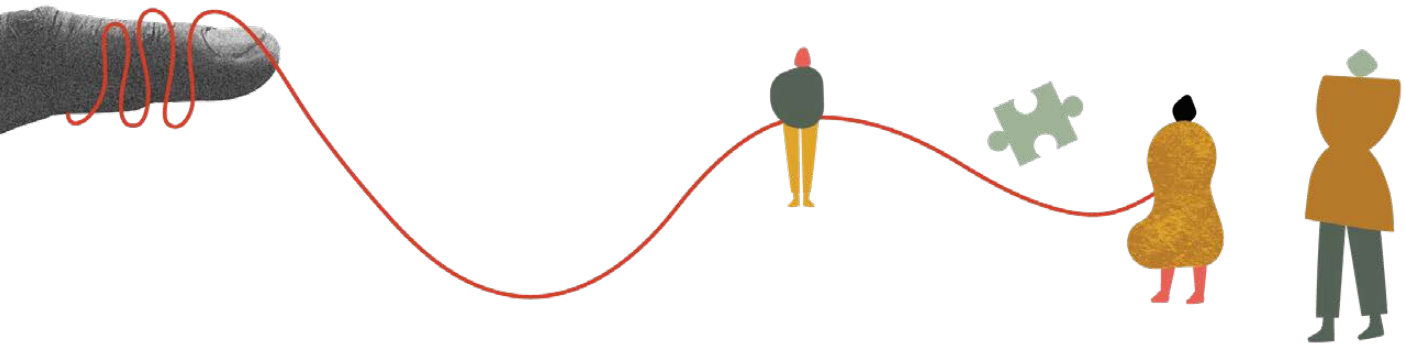
Several practitioners and service providers highlighted the particular importance of ensuring continuity of support provisions beyond responding to crisis points. They note that persons affected by forced marriage, especially young persons, require support across vastly different areas depending on their situations and needs. These range from appropriate accommodation and support for transitioning to independent living (if they leave their family homes) to responses that can support safe positive engagement with families. This is not a linear process; victim-survivors may face risks or seek help for different matters at different points in time. Pathways of support should therefore encompass a comprehensive suite of appropriate and targeted support services that can meet the nuanced and changing needs of victim-survivors. Among other things, that would include securing emergency and ongoing funding, meeting basic needs, finding appropriate accommodation, planning educational and/or employment pathways, and dealing with social isolation:

I think the young woman was 16 and she was considered safe. So, from a child protection perspective, she was in safe accommodation in that she had gotten herself or had been supported to go to a refuge. I think the challenge for her was she was going to fall through the cracks a bit because she couldn't go back to her community. She didn't have – the family violence services gotten quite strong in responses to the sort of stock standard adult intimate partner violence and helping women rebuild and things like that, but I remember the refuge got in contact with me because they were sort of saying this young woman doesn't really fit the mould. And so, she wasn't – perhaps at one point the issue had been forced marriage; that was now less of an issue because there was no way she was returning to family. But in doing so, she was sort of going to be quite isolated because there wasn't an easy linkage point for her in the community beyond what she'd known. And a real grief around what she was losing, losing family, losing communities, losing culture, but couldn't go back there because of the circumstances. So, I do think that those young women can fall through the cracks a bit. (Child protection service practitioner, Victoria-based)

We've got a gap in how we deal with 16- and 17-year-olds. Whilst Child Protection have the lead with all children, they will not accept a file on a 17-year-old, and they're unlikely to accept a file on a 16-year-old. We find this across the board. We often are spending a lot of time doing a bit of a ring around and negotiation to try and find appropriate support for people that fall into this area, where they're not classified as adults, but they're still not recognising them as enough of children to fall under the umbrella of Child Protection. (Law enforcement officer, Commonwealth-based)

Participants talked about the issues primarily in relation to at-risk young persons. However, the wider literature on forced marriage points to the importance of having a response framework that substantively incorporates support for exiting forced marriages, and for physical and psychological recovery, regardless of the person's willingness and capacity to engage with law enforcement. The research literature indicates that exiting from forced marriage can be extremely difficult, especially in cases involving IPV. The pressures placed on women (and men) to marry are also used to bind them to a forced marriage (Phillips and Dustin 2004; Chantler, Gangoli and Hester 2009; Chantler and McCarry 2020). These include emotional, physical, financial, and cultural pressures, as well as those regarding immigration status. More broadly, these issues highlight the need to go beyond incident-based responses. Only in doing so will we be able to capture the ways in which persons affected by forced marriage experience insecurity and violence throughout their lifetimes – and determine what further supports are needed to ensure their safety and security.





8.2.3 POPULAR CONSTRUCTION OF FORCED MARRIAGES AS OCCURRING WITHIN CALD AND MIGRANT COMMUNITIES

'I think the question is only first asked directly when you click that option "client comes from a culturally and linguistically diverse background." I think that's problematic in itself.'

(Specialist family violence service provider, Victoria-based)

At various points in the interviews, several participants clarified that responses, interventions and training operate on the awareness that forced marriage can happen to anyone, irrespective of their ethnicity, religion, age or nationality. However, the tendency to associate forced marriage within the context of culture and ethnicity is acutely evident when speaking to practitioners and frontline service providers. This association is also reflected in the MARAM, which some participants identified as being problematic:

I don't love the way the MARAM addresses or seeks to address assessing forced marriage risk. I think the question is only first asked directly when you click that "client comes from a culturally and linguistically diverse background." I think that's problematic in itself. (Specialist family violence service practitioner, Victoria-based)

As one participant pointed out, if the person affected by forced marriage does not identify as being CALD or coming from a CALD background, then the risk or occurrence can go under the radar. In the discussion about identities and CALD classification, this participant contended that there needs to be more conversation around the complexities of formal categorisation and self-identification:

P: The very first page of the MARAM will ask you whether the client has CALD background or – and the thing that I found was that every practitioner, depending on the name, just the last name, they will determine if the client is CALD (or not). They just fill in that box without actually asking the question, "do you identify as a person of culturally and linguistically diverse background?'

I: Why is that important to ask?

P: Because when you ask that question to, say, my daughter who was born in Australia, yes, she's black. The colour, the name, everything is African. But then she doesn't – She's never lived in my country, she doesn't speak the language, all of these things. And a lot of women who were born here will say, 'I don't speak the language. Yes, my parents are from overseas, but I don't know anything. I've never gone back there.' And why would I want to classify that woman as CALD – they only speak English. That's all they've known. And they will say probably not and so you need to respect that. But then, there are sometimes parents and families would still want to follow their cultural beliefs and background and practices. So, what is the intersection between women not identifying as a CALD person, to certain cultural practices and then what does that mean in terms of family violence and forced marriage and all of this issue? (Specialist family violence service provider, Commonwealth-based)

It is beyond the scope of this report to engage with these points in depth. However, it is important to note that the intersections between ethnicity, culture and family and intimate partner violence is a crucial and ongoing conversation in research into both forced marriage and violence against women (cf Patton 2018; Chantler and Gangoli 2011). For

example, there have been strong calls from feminist researchers in the UK to destabilise the construction or representation of forced marriage as an issue occuring predominantly within particular ethnic or migrant communities. It risks erasing or obscuring the experiences of women and girls from non-CALD or migrant communities (Gill 2004; Chantler, Gangoli and Hester 2009; Aujla 2021; Walker 2022).

Drawing on rich empirical research and policy analyses, these researchers have highlighted the dangers of focusing policies and practice on specific communities. In the context of forced marriage, the problem with this is two-fold. First, it overlooks other structural factors that precipitate forced marriage, including poverty, sexuality and immigration policies. Second, it does not sufficiently account for 'the many ways in which all women located within a matrix of structural inequalities can face social expectations, pressure and constraint in matters of marriage' (Gill and Anitha 2009, p166). Thus, it risks detracting from an understanding of the factors that contribute to forced marriage in other communities (where similar practices of coercion into marriage may exist but are not labelled as such), in turn rendering those experiences invisible. This should not be taken to mean that we should disregard the socio-political contexts that underpin forced marriage. As Purna Sen contends, just as it is flawed to posit cultural specificity without seeing the linkages between particular manifestations of violence against women, yet 'to deny specificity if it exists is also problematic' (Sen 2005, p. 50). Ensuring that support and resources are tailored to meet the specific needs of victim-survivors in differing cultural contexts first requires understanding how issues such as coercion to marry and coercion in marriage manifest in these different communities.

This report joins the calls of these feminist researchers (cf. Chantler, Gangoli, Hester 2009; Anitha and Gill 2011; Patton 2018; Aujla 2021; Walker 2022; Zeweri and Shinkfield 2021) and urges policymakers and stakeholders to rethink the logics of cultural inclusion and exclusion. Specifically, we call on policymakers and stakeholders to begin a national conversation on the cultural and gendered understanding, decisions and narratives around the institution of marriage – including the role of marriage in different communities and cultures – in order to expand how we think about matters such as parental approaches to marriage, familial dynamics and individual decision-making processes. This can be a first step towards the development of a framework that is sensitive to 'both the cultural specificity and the universality of this form of gendered violence' (Patton 2018, p. 23). By taking into consideration the continuities (and departures) among different forms of family violence and violence against women, we can support a better understanding of the nuances specific to the different contexts in which forced marriages occurs. We can better understand the needs of victim-survivors and how their socio-cultural values and experiences might influence their responses. Most importantly, we can better understand what is needed of systems and processes to improve outcomes for victim-survivors.

8.3 LIMITATIONS OF CURRENT FAMILY VIOLENCE PROVISIONS

The limitations of the family violence response framework in Victoria, which have been extensively covered within other critical research on family violence provisions (FVP), is beyond the scope of this report. However, drawing on this wider body of research, we note an important fact. Even though the family violence framework offers increased pathways of support and access to more services, there are aspects that could increase risks to safety and wellbeing for persons affected by forced marriage. Specifically, the structural issues that are already pertinent within the current FVP – for example, visa issues and limited recourse to public funds for women (and men) on temporary visas – are likely to impact victim-survivor outcomes:

As soon as the client can find safe, affordable accommodation after that then she'll be ready to move on. But we know the horror stories where often a client doesn't have access to that and particularly for those who have been brought here to marry on a spousal visa. Or they're on a bridging visa and they don't have access to income, don't have language, can't access Centrelink. She really isn't eligible for housing support so she might end up in crisis accommodation for a long time. (Specialist family violence practitioner, Victoria-based)

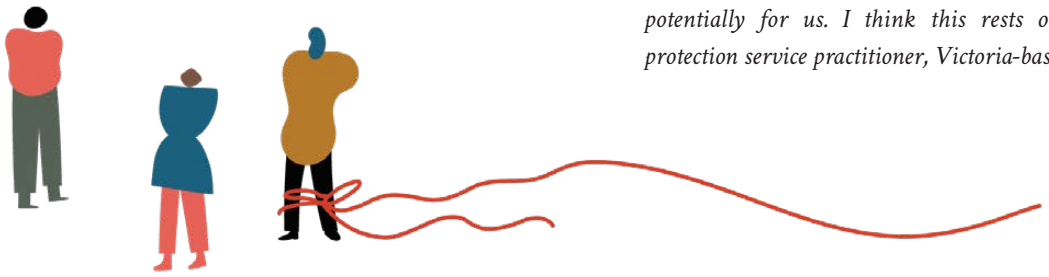
8.4 STRENGTHENING MULTI-AGENCY COLLABORATION

'There's a need for consistent and well-managed systems of intervention, especially as there are different agencies involved in supporting responses to forced marriage.'

(Specialist forced marriage service practitioner, Commonwealth-based)

The fact that multiple Commonwealth, State and Territory agencies respond to forced marriage means that multi-agency collaboration has been the modus operandi of this sector since its inception. Several participants spoke about how agencies and organisations across all levels have been working together to ensure efficient and comprehensive outcomes for persons affected by forced marriage; these include Federal and State police, government departments such as the Department of Home Affairs and Child Protection Service, and non-governmental agencies. Participants note that effective multi-agency cooperation continues to be imperative for the delivery of services to persons affected by forced marriage:

I think all of this rests on partnerships in communication and collaboration across government and across systems, and I feel like we're getting there and that for me is really where I think a lot of benefit and energy needs to go. So that the whole "no wrong door thing" doesn't just exist within one group of services, it exists across government and without that happening, I think that's a big blocker potentially for us. I think this rests on that. (Child protection service practitioner, Victoria-based)



In their study on policy and practice responses to forced marriage in Scotland, Chantler, Mirza and Mackenzie (2022) similarly identify the importance of effective multi-agency cooperation in ensuring intersectoral consistency and ownership. They note that consistency and ownership is paramount to generating and supporting practice-level change, which in turn facilitates both the identification of forced marriage and effective responses to it. However, discussions with participants did not make it clear how the 2018 legislative amendments would translate these ideas to practice. Specifically, under the human trafficking and modern slavery framework, the AFP are a central point of coordination; this is because access to support provisions is dependent on assessment and identification by the AFP. But this is not the case under the family violence framework, where access to support provisions is not reliant on the victim-survivor's contact with law enforcement. What are the implications then for state agencies that have mandatory reporting obligations? As pointed out by one of the participants, it is also unclear what disparities in levels of investment in support provision among the states and territories would mean for a victim-survivor who decides to move interstate:

Because we are working in a fragmented system where some of the responses sit with states, some of the responses sit at the Commonwealth Government, most services are situated in the state and territories, who as we – I mean, as part of this, you know, Victoria might be the only state that recognises that. Of course, that makes a huge difference as well in terms of what state Governments will invest into when it comes to this area of practice. But it is important to know that even if they've moved states they're still at risk wherever they are and they need that support. (Specialist forced marriage service practitioner, Commonwealth-based)

Wider research on forced marriage and multi-agency collaboration (cf. Vidal 2017; Chantler, Mirza and Mackenzie 2022) points to the need for guidance on how different agencies should collaborate in their responses to forced marriage, but such guidance does not yet exist in Victoria, or Australia more broadly.

8.5 IMPROVING DATA COLLECTION PROCESSES AND MEASURES OF PREVALENCE

'There's a gap there as well in terms of data collection.'

(Specialist forced marriage service practitioner, Commonwealth-based)

The challenges of obtaining accurate data for the prevalence of forced marriage are well documented (Razack 2004; Chantler 2012; Vidal 2017). While referral data from the Australian Federal Police offers some insight into the prevalence of forced marriage in Australia, there really are no reliable estimates for it; forced marriage is significantly under-reported. This issue is not unique to Australia. International research has established that the very nature of forced marriage renders individuals experiencing it a 'hard to reach' group. Victims may not label what is happening to them as forced marriage at the time of marriage. They may not report forced marriages to relevant agencies – they may find it difficult to speak out at all. Each of these situations makes it difficult to develop accurate measures of the prevalence of forced marriages or to obtain reliable quantitative information about them (Chantler, Gangoli and Hester 2009).

Some practitioners involved in national and state responses in Australia have raised questions about what the changes to policy and legislation mean for victims of forced marriage. They expressed concerns that the lack of a coordinated data sharing framework could lead to even more inconsistent and inadequate reporting and recording of forced marriage cases. Yet it was acknowledged that there would be practical difficulties in establishing such a framework, not least because of the disparities in how cases are recorded:

I think there would need to be some data sharing between states and the Commonwealth Government in order to know that oh okay, in Victoria maybe we have 100 cases of people. But, I don't know, because then for AFP to then say this is a suspected case of forced marriage, they need to have conducted the assessment themselves and assess that indeed the person is a suspected victim of forced marriage. But I think in saying that there is still a need – I think there's a gap there as well in terms of data collection. (Specialist forced marriage service practitioner, Commonwealth-based)

Across the interviews, only one participant spoke at length about the implications of the 2018 legislative amendment for data collection processes. Nevertheless, the above considerations point to very practical challenges for national and state agencies responsible for recording cases and compiling data sets. This undertaking becomes especially pertinent to research relying on accurate measures to challenge the hypervisibility of particular communities in cases of forced marriage.

Conclusion

NINE

This study has captured the views and experiences of family violence practitioners and front-line service providers in Victoria and at the Commonwealth level responding to persons affected by forced marriage. The findings presented here offer important considerations for current and future responses to forced marriage both in Victoria and across other State and Territory jurisdictions in Australia. We have presented both a need to better understand forced marriage with regard to its intersections with family violence, human trafficking and modern slavery – and the broad and diverse ways it may occur, beyond the dominant discourse of this being an issue which affects CALD and newly-arrived migrants in an isolated way. Our findings suggest forced marriage is a complex and non-linear experience involving the intertwining of familial, structural and social-cultural contexts – all of which are necessary to understand in the context of developing responses. Most notably, this context predicates the need to shift away from victim-perpetrator binaries which have been created through the Commonwealth response to forced marriage.

Our findings offer a different perspective to approaching responses to forced marriage: specifically, that we must consider beginning with taking a step back to conceptualise forced marriage and understand its parallels and differences within mainstream understandings of family violence. This is an important first step before continuing to prioritise the actions that would strengthen current prevention and intervention responses.

What we have found and documented in this report are critical first steps in pushing forward targeted and specific responses in law, policy and support. There is an opportunity within an ongoing environment of investment and reform in responses to family violence in Victoria that experiences such as what we have documented can be used as a starting point for considering ongoing research and best-practice driven responses to forced marriage in Victoria and beyond.

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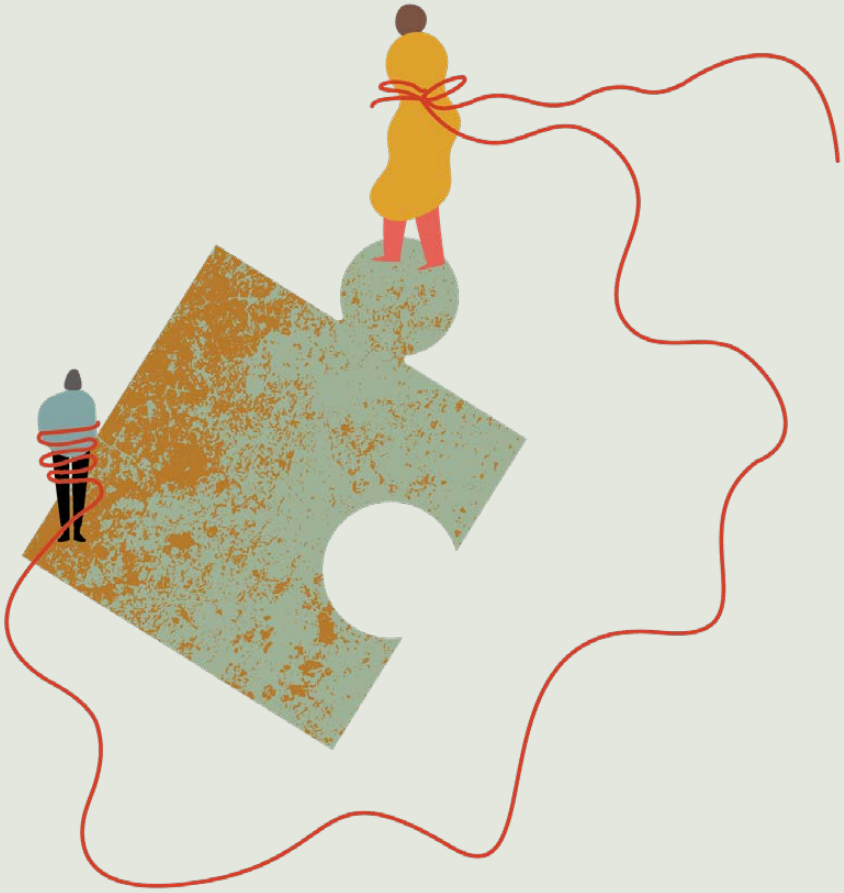
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