

Submission: Enhancing Civil Protections and Remedies for Forced Marriage in Australia



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September 2024

About the National Rural Women's Coalition

The National Rural Women's Coalition (the NRWC) is a grass roots organisation, established in 2002, that works to support and grow vibrant rural, remote, and regional communities throughout Australia. We are a coalition of five rural alliances - the Australian Local Government Women's Association, Australian Women in Agriculture, National Rural Health Alliance, Women in Seafood Australasia and Transport Women Australia Limited.

For over twenty years, we have worked to ensure better social, economic, and environmental outcomes for women in rural townships, in rural communities and in primary production throughout Australia.

The NRWC provides a collaborative, powerful national voice for women living in Rural, remote, and regional Australia through:

- Representing the diverse views and voices of women in rural, remote, and regional Australia;
- Providing advice to the Australian Government on policy issues relevant to the views, circumstances and needs of rural women; and
- Contributing to building a positive profile of rural women, their achievements, and their issues.

We believe it is important that the unique views of rural women who reside in the numerous rural, remote, and regional communities throughout Australia as farmers, businesswomen, community leaders and volunteers, have substantial input into consultations about their communities, industries, needs and issues, including any matters relating to women's rights, gender equality and discrimination

Consultation Questions:

In putting forward this submission the NRWC would like to preface our information by placing our views within the framework of rejecting that there is a 'stereotypical' representation of forced marriage. We wish to highlight that we believe there are various circumstances that compromise a person's autonomy in selecting a marriage partner and agreeing to enter marriage can be a complex matter. The issue of forced marriage should also be viewed as increasingly complex in regional, rural, and remote (RRR) areas, where isolation, limited access to support services, and stronger community pressures can further undermine a woman's ability to seek help or exercise their autonomy. We advocate for the broadest nuanced approach to address forced marriage, particularly in RRR communities.

This submission is written using Critical Discourse Analysis (CDA). This approach focuses on analysing language, power structures, and societal influences to uncover hidden biases and ensure that our submission is objective and balanced as possible. We have identified and mitigated the influence of dominant ideologies or cultural assumptions within the submission, providing an equitable and unbiased viewpoint. We note that when discussing forced marriage, several groups may be overlooked and not considered traditional victims, though they are also vulnerable. Whilst our focus is on women, we highlight that men and boys can also be forced into marriages, particularly in patriarchal cultures where arranged unions serve family interests. Secondly, a cohort of this could be immigrant men seeking residency may be forced into marriages to help other family members secure residency or social standing within a community.

Furthermore, we highlight that LGBTQ+ people from conservative or religious diasporic communities may be forced into heterosexual marriages to conceal their sexual orientation or gender identity, preventing them from living authentically. Focusing on women, we acknowledge there is a focus on younger women we also highlight that older women may also be coerced into forced marriages, particularly widowed or economically dependent situations where family pressure for remarriage is strong. Within women, we highlight disabled women as a cohort vulnerable to forced marriage as families may view it to secure care for them, especially in communities where disability is stigmatised. Lastly, non-immigrant Australian women from non-diasporic, mainstream Australian families may face forced marriage due to extreme religious or cultural beliefs.

These outliers challenge the typical narratives of forced marriage. Cultural and religious practices are frequently depicted as a practice rooted in conservative or patriarchal traditions, particularly within certain immigrant, diasporic, or ethnic communities where arranged marriages are common. Notwithstanding parental or familial pressure whereby the role of parents or extended family members in forcing the marriage, is often driven by cultural norms, fear of community judgment, or economic benefits, such as dowries or residency status. Furthermore, the dominant paradigm is of escape and isolation whereby the woman tries to escape, despite isolation from support systems and fear of community rejection or physical harm if they refuse the marriage. Women are portrayed through narratives of victimhood and powerlessness within dominant discourses related to forced marriage, trapped by both family expectations and societal pressures, often facing threats, violence, or emotional manipulation to comply. We must work to empower them and approach this topic with caution as the dominant narratives focus on the association of forced marriage within ethnic or religious paradigms, located within immigrant or diaspora communities.

Question 1: Are these effective options to improve nationally consistent responses to forced marriage? Are there different options that should be considered? P9

To improve nationally consistent responses to forced marriage, the proposed options of building a shared understanding of forced marriage is essential before consideration of its inclusion as a form of domestic and family violence (DFV). Enhancing education and awareness, strengthening civil protections about forced marriage as a standalone issue would be a good first step. We suggest that any approach broadening DFV to include forced marriage must address key issues like gender inequality using the widest most inclusive approach to gender and the various groups who identify as female.

We advocate that to build a shared understanding of forced marriage as a form of DFV it must be framed within the broader context of gender-based violence. This approach highlights power imbalances, and gender inequality, which disproportionately affects those who identify as women and those who belong to communities of gender minorities. However, to make this approach more effective, there must be a focus on RRR areas, where traditional gender role paradigms may be more rigid and as a result exacerbate the issue.

To increase education and awareness about forced marriage it is essential to go beyond raising public awareness. Tailored education campaigns must address the intersectionality of forced marriage, acknowledging how gender, geography, culture, and sexual orientation interact and are highlighted and marginalised in RRR communities. Such an approach requires careful consideration of how to access vulnerable communities in RRR ensuring that vulnerable women especially those from culturally and linguistically diverse (CALD) communities or LGBTIQ women can collaborate to achieve a deep understanding of the resources needed.

We suggest that strengthening legal protections is vital, but these protections must be accessible to marginalised women. In RRR Australia, women often face compounded challenges due to isolation, technological accessibility, lack of services, and are further impacted by stigma. Other considerations include gender inequality and gender-based discrimination. Forced marriage is rooted in gender-based discrimination, addressing the broader issue of gender inequality is essential (McCabe & Eglen, 2022). Efforts to progress change must challenge traditional gender roles and norms, particularly in RRR areas where these expectations can be more deeply entrenched (Usta & Ozbilgin, 2023).

LGBTIQ women, face unique pressures related to forced marriage due to societal stigma and their invisibility within this issue (Love, Dank, Esthappan, & Zweig, 2019). More inclusive responses that account for sexual orientation and gender identity are necessary. Specialised services and protections should be established to support LGBTIQ women facing forced marriage. While the proposed options are a solid foundation, a more intersectional approach that includes considerations for gender flexibility, RRR-specific challenges, and the unique needs of women is necessary to effectively address forced marriage across Australia.

Question 2: Should forced marriage be recognised as a form of DFV? Why? (page 11)

Continuing the previous suggestions, we believe that to make progress and address disadvantaged women that forced marriage should be highlighted as an issue in Australia. This recognition would provide clearer legal frameworks, increase protection for women and potential victims, and ensure access to necessary support services. There are challenges in legislating forced marriage within DFV frameworks, particularly regarding cultural sensitivities, definitional issues, and enforcement. An overview of these challenges and proposed solutions for addressing them are discussed.

Regarding definitional challenges we suggest that forced marriage does align with traditional definitions of DFV and should not take away for the specific issues of DFV. Forced marriage also

includes dynamics of DFV and coercion but often occurs in broader family or community contexts, making it difficult to fit within standard DFV laws. We suggest that broadening the legal definition of DFV to explicitly include coercion, control, and harmful cultural practices would help close the gap between current DFV laws and the lived realities of forced marriage victims (Lyneham & Bricknell, 2018). A definitional expansion would include forced marriage under DFV legislation and help align protection measures and responses for women.

We highlight that forced marriage is embedded in cultural and religious practices and therefore cultural sensitivities and community resistance must be recognised within the remit of DFV. We are concerned that such an expansion could lead to resistance if legislated against. Increased focus on cultural issues would require investment from government to approach forced marriage with cultural sensitivity. We recommend that to overcome this issue that the development of culturally sensitive approaches engaging communities in dialogue and education about the harms of forced marriage would be beneficial (Marmo, Esmaeili, & Ibrahim, 2023). Collaborating with community leaders and organisations would promote understanding and reduce resistance, this would make enforcement more effective but would require creating culturally tailored awareness in communities and recognition of forced marriage as a form of DFV.

Recognising forced marriage as a form of DFV would mean proving coercion in marriage. We believe that this is difficult. Women are often reluctant to report their family due to loyalty, fear of retribution, or stigma (Sowey, 2018). Prosecution can be hindered by threats from family members or community leaders. We suggest that to strengthen woman protection, such as witness protection programs and reporting options, that women must feel safe to reach out and report. Legal frameworks must empower women through support systems which must be available in all areas and not inaccessible to women in RRR locations. We suggest that all professionals with mandatory reporting responsibilities are trained to understand the complexities of forced marriage cases. Additionally, evidence-gathering processes should be improved to facilitate successful prosecutions, including specialised training for police on detecting coercion.

We believe that protecting women from forced marriage could be nested in DFV frameworks however is complex. We acknowledge that there is not an easy solution to protect women at risk of force marriage however opening these narratives is a starting point, followed by commitment, budget, enforcement and coordinated services. Responses to forced marriage are challenging in RRR areas. Services are already limited, and geographic isolation intensifies the risk. Gender inequality is often more pronounced, increasing the vulnerability of women and girls to forced marriage. One solution would be increasing outreach programs and mobile services in RRR areas to ensure that women of forced marriage can access support. Cross or inter-organisational approaches would strengthen the availability of DFV services in RRR areas, for instance, crisis intervention teams, remote legal advice, and support services.

Intersectionality and the First Nations Context

We highlight that data on forced marriage generally is lacking, however in First Nations communities is not available, but we must consider this as another context for forced marriage. If we consider the high rates of DFV in RRR First Nations communities, this could indicate that forced marriage is also a concern. For example, Hanley, MacPhail, Simpson, and Stevenson (2023) found that First Nations women and children are known to be vulnerable to DFV, and cultural and systemic barriers further complicate access to support. Accordingly, targeted interventions must recognise the intersectionality of forced marriage, DFV, and the challenges faced by First Nations communities. Culturally responsive services that engage First Nations leaders and organisations in co-designing solutions are essential to reduce barriers to support. Consideration for better data collection on forced marriage in First Nations communities should be part of developing effective policies and interventions.

Incorporating forced marriage into DFV legislation (under option A or option B) could improve the consistency and effectiveness of responses across Australia. However, this approach must be supported by budget allocation for services, education, stronger protections for women, and tailored responses to the unique challenges in RRR and First Nations communities.

Question 3: What legal, policy changes or additional guidance is needed to better recognise forced marriage as a form of DFV?

Continuing with our thoughts from the previous question we suggest that to better recognise forced marriage as a form of DFV; legal, policy, and practical changes are necessary. The current frameworks, while addressing the issue, lack specific provisions or comprehensive guidance for responding to forced marriage, particularly in RRR areas. We have identified several issues and provide suggested solutions.

Firstly, broadening DFV legislation to explicitly include forced marriage requires amendment of DFV laws to classify forced marriage as a form of DFV. This would ensure that forced marriage has the same seriousness as other forms of abuse, making it easier for women to seek protection through existing protections. We must address cross-border jurisdictional issues where women are taken to other states in Australia with the intent to remove these women to countries for marriage. Jurisdictional challenges arise because legislation is inconsistent across states in Australia legal cooperation and therefore enforcement mechanisms are required.

From a victim-centred perspective, we suggest that women at risk of, or in a forced marriage, especially those with precarious immigration status, may fear deportation if they report their situation. We therefore suggest that there needs to be an expansion of immigration protections, such as providing temporary or permanent visas for women of forced marriage, especially those brought into Australia under false pretences or taken abroad for forced marriages. With regards to policy changes one of the biggest vacuums when reviewing forced marriage is the dearth of consistent data. We suggest that there needs to be a uniform approach to data collection particularly in RRR areas (Lyneham & Bricknell, 2018). Implementation of comprehensive data collection and reporting mechanisms at both national and regional levels, would ensure a specific focus on RRR areas could be developed.

Collaboration with local support services, government and community groups/agencies could improve data reliability and scope. Women in forced marriage situations in RRR areas require investment in terms of service provision, for example, mobile crisis intervention, regional helplines, and increased funding for shelters and legal services that cater to women of forced marriage in RRR locations. Lastly, and whilst covered in other responses we highlight the need for education and awareness campaigns in tandem with any legal or policy changes for forced marriage. Any campaign should be culturally sensitive and accessible to a wide range of communities, particularly those in RRR areas.

Question 4: What enhancement or additional guidance might be needed to help DFV services consistently recognise forced marriage as a form of DFV?

Given the attendance at the consultation and agreed lack of knowledge about forced marriage this is an area which requires specific uplift. For example, cross-cultural sensitivity training for government and non-government support services, provided with specialised training to ensure knowledge and response to forced marriage. This training should focus on building trust with marginalised communities and creating safe avenues for women to report abuse without fear of stigma or retaliation.

The development of clear protocols for handling cross-border forced marriage cases enabling services to intervene in any concerns about movement or travel. This should include guidance on

collaboration with other states in Australia, with Border Control Agencies, foreign governments, NGOs, and international human rights organisations to rescue women and prosecute offenders.

Guidelines for integrating forced marriage support into DFV services should be based on the premise that forced marriage is integrated into legislation as a form of DFV. Services could then be funded to support women being trained to confidently address the unique needs of forced marriage survivors. This approach would require the development of guidelines to assist services to integrate forced marriage-specific support into their programs, protocols, and policies. Training would need to include long-term psychological support and approaches to address the cultural complexities.

Of imperative importance is the need for services to be able to differentiate between forced marriage and arranged marriage. There can be a fine balance, and they differ primarily in the element of choice and consent and efforts should be made to understand the boundaries between both especially if the woman says that she has agreed to the marriage. Services must be able to understand consent without coercion.

Question 5: What topics could education or awareness raising activities focus on? (page 12)

Forced marriage is unique to each woman therefore there is not a standard approach to topics that should be included in education. Furthermore, consideration of both pedagogic and andragogical is essential in the design of learning. We have focused on RRR areas and the need to effectively raise awareness and educate all people involved in community activities about forced marriage. Whilst not limited to these suggestions there are key topics provided below. These focus areas are ones we suggest can empower workers and communities to recognise and confidently intervene in forced marriage situations while promoting tailored, culturally sensitive solutions.

Firstly, before any learning/training or education approach is considered, we must address the lense of postcolonial theory. Forced marriage can be a reaction to colonial histories that shape identity, culture, and power dynamics, particularly in First Nations and diaspora communities. In these communities, forced marriage can be seen as a response against Western influence, reinforcing and preserve cultural traditions seen as under threat (Zeweri & Shinkfield, 2021). This dynamic becomes particularly relevant in RRR areas, where diasporic communities may resist cultural assimilation and uphold practices like forced marriage as a way of maintaining pre-colonial values. In isolated RRR communities, postcolonial resistance interacts with limited access to alternative paradigms for women, legal protections, and social services, creating environments where forced marriage can persist. Cultural preservation, social control, and patriarchal systems can work to enforce this practice therefore in this context it is a tool for asserting identity and rejecting Western discourses.

Key Topics:

Intersectional Awareness: Emphasising how aspects of identity, such as gender, ethnicity, socio-economic status including economic circumstances, and sexual orientation, intersect to shape the likelihood of and experience of forced marriage. By understanding these intersections, workers can better tailor interventions to the unique needs of women from diverse backgrounds, ensuring that solutions are both relevant and effective.

Addressing Unconscious Bias: The recognition of unconscious bias is important. Workers must understand how their own biases, assumptions and privileges can influence their perceptions and responses. Training should focus on identifying these biases and developing strategies to counteract them, ensuring that all women receive fair and impartial support.

Recognising Assumptions and Biases: Challenging assumptions and stereotypes that may hinder workers from fully understanding a woman's situation. This includes avoiding generalisations about cultural practices or making assumptions based solely on gender or ethnicity. Training should promote

a unique and holistic view of each woman's situation, considering the broader social, economic, and cultural context.

Empowering Workers to Respond Confidently: Focusing on equipping workers with the knowledge and skills needed to confidently identify and respond to forced marriage cases, for example, understanding legal frameworks, non-judgmental support, and collaboration with other services for a coordinated response.

Tailoring Interventions and Support: Emphasis on the importance of tailored interventions that address the specific needs of the woman centred on recognition that the experience depends on factors such as geographical location, family dynamics, and cultural expectations (Simmons & Wong, 2021). Adapting interventions to meet these varied needs effectively will provide best practice approaches.

Holistic Intersectional Approach: A key element of awareness-raising activities is teaching a holistic, intersectional approach - considering the whole person and their unique characteristics of identity, community, and challenges. Integrating this into the design of support services along with any critical aspect of the woman's life will provide the best outcome.

Collaborating Across Sectors: A commitment to continue to enhance and update learnings as new research and evidence evolves extending to our knowledge about forced marriage in Australia is a core requirement of any approach. The importance of cross-sector collaboration in addressing forced marriage teaches workers how to effectively engage in a multidisciplinary response.

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

All organisations in communities must understand and recognise forced marriage, not just specialist services (Ablaza, Kuskoff, Perales, & Parsell, 2023). A whole of community approach in RRR areas could effectively address forced marriage. Including diverse stakeholders in education and awareness-raising efforts, would ensure that both general and specialist services are equipped to recognise and tackle this issue. As already suggested a comprehensive effort requires an intersectional, multidisciplinary, cross-agency approach. Again, we believe that this is essential in RRR Australia due to the unique and compounded challenges faced by women living in these areas. This approach is vital for the following reasons discussed below.

In RRR Australia, women at risk of forced marriage experience overlapping forms of disadvantage, including geographic isolation, socio-economic hardship, cultural expectations, and systemic barriers. An intersectional approach helps recognise how these factors intersect, particularly for women, First Nations communities, LGBTIQ people, and women with disabilities face interconnected challenges, interventions may fail to address the root causes or full scope of the problem, leaving women without the appropriate support.

Geographic isolation in RRR areas limits access to essential services. Therefore, a cross-agency approach allows for better response. This is crucial for ensuring that women in RRR areas receive timely, holistic support despite the distance from metro centres.

Question 7: Which groups in the community require education and increased awareness of forced marriage?

In RRR communities, especially First Nations and culturally diverse communities, there are deep-rooted cultural practices and often distrust of external authorities. Multi or cross disciplinary teams, including First Nations-led organisations, could take the lead in training to support culturally specific services. This would include local community leaders, building trust within these communities. A

culturally sensitive collaborative approach to training would ensure learning is respectful and effective, making it more likely for women to feel confident about accessing, seeking, and accepting help. RRR areas have fewer services and resources compared to metro services centres therefore cross-agency or all agency responsibilities ensures that available resources are used efficiently and prevents duplication of efforts.

We suggest that at least these organisations should be included in a response:

Community Organisations and Local Services: Local councils, schools, youth services, and health clinics should be engaged in educational initiatives. These organisations often serve as the first point of contact for women and can play a pivotal role in identifying and supporting women of forced marriage.

Specialist Services: including those dealing with DFV, sexual assault, and human trafficking, are critical. Their expertise in handling complex cases is essential for providing effective support and intervention.

Police, Legal Services, and other justice-related bodies must be involved. Educating them about the specific dynamics of forced marriage enables them to approach women who are scared, confused, and isolated with sensitivity will sure proper legal protection and focused support for women.

Healthcare Providers including mental health experts and general practitioners, need to understand forced marriage. They are in a unique position to recognise signs of abuse and provide support, especially in RRR areas where access to healthcare services may be limited.

Educational Institutions: Schools, colleges, and universities are crucial in educating young people about healthy relationships, consent, and the legal aspects of forced marriage. Early education helps in preventing forced marriage and supports at-risk women.

Community Leaders and Elders and Religious Organisations/Leaders: vital for addressing cultural sensitivities and resistance. These people can help foster a supportive environment and encourage discussions on forced marriage within cultural contexts.

Advocacy and Support Groups: For example, Human rights, women's rights, and youth advocacy organisations should be involved in raising awareness and providing resources. Their efforts can amplify women' voices and advocate for systemic changes.

The involvement of all agencies is a solution to overcome our concern that siloed approaches tend to only address one aspect of a woman's circumstances, whereas a multidisciplinary, intersectional approach looks at the whole woman, her family, and community context. A holistic approach is essential for addressing the long-term effects of social issues forced marriage in RRR areas. By working collaboratively, agencies can provide ongoing, coordinated care that not only meets immediate needs but also fosters long-term resilience and well-being.

Women in RRR areas may find it difficult to navigate legal and social services due to complex bureaucratic processes, language barriers, or limited access to information furthermore this is exacerbated by a lack of access to interpreters and native language speakers who they woman feels safe with and can trust. A multidisciplinary, cross-agency approach can offer coordinated guidance, making it easier for women to access the services they need.

Question 8: Do you think there are gaps in the existing legal protections available to response to and prevent forced marriage in Australia? If so, what are those gaps? (page 16)

We have responded to this question with consideration and review of success and lessons learned from countries that have legislated against forced marriage. Overseas comparable countries have more experience than Australia and provide evidence for success in raising awareness and offering protection to women, noting that prosecution rates remain low; suggesting that whilst legal protections are available, they are not accessed or do not prevent forced marriage. The primary successes lie in prevention and support mechanisms, such as protection orders. However, the challenges of prosecution, cultural sensitivity, and gaining the trust of affected communities persist.

Evidence from the UK and Canada highlight that forced marriage, while more prevalent in urban areas, also occurs in RRR areas (for example, Chantler & McCarry, 2020; Villacampa, 2020; Sandhu, Brady, & Barrett, 2023). The UK Forced Marriage Unit and data from Canada show that isolation and lack of services in RRR areas exacerbates vulnerabilities and increases gaps. These patterns suggest that similar dynamics are transferable to Australia's RRR areas, where family ties, cultural traditions, and limited external support increase the risk of forced marriage and create complexities for responses to prevent forced marriage.

An intersectional approach suggests that certain groups in RRR areas face heightened risks due to overlapping forms of discrimination and disadvantage. For instance, young people from culturally diverse backgrounds may experience additional pressures and barriers. Education and support needs to address these specific vulnerabilities to be effective. Again, the absence of localised data on forced marriage in Australia's RRR areas as previously identified as a gap indicates a need for more research.

While increased protections for forced marriage and potential inclusion in DFV frameworks could assist us to reduce forced marriage, it must be supported by strong prevention, victim support, and community engagement strategies to ensure real change. Effective legal measures alone are not enough without the societal and cultural shifts needed to empower women and prevent forced marriages from occurring in the first place. We reiterate that the likelihood of forced marriage in RRR areas of Australia is difficult to quantify, as there is a dearth of data. The data used to quantify forced marriage in Australia does not focus on location and therefore RRR cannot be quantified.

Question 9: This paper discusses two options to strengthen civil legal protections: enhancing existing legislation or introducing standalone legislation – which option would be most effective and why? What are the key risks? Are there other options that should be considered?

As already stated, the response to strengthening approaches includes a comparative analysis of legislative approaches in other countries. These international perspectives and their application to the Australian context are useful, however the RRR context is unique and therefore there is little transferable evidence to make suggestions for RRR approaches.

United Kingdom: The UK criminalised forced marriage in 2014, targeting those coercing women into marriage and those assisting in such coercion. They use Forced Marriage Protection Orders (FMPOs) under the Family Law Act 1996 (introduced in 2007) allowing for protective measures, such as surrendering passports or restricting communication. Provision of enforcement and support is provided by Forced Marriage Unit (FMU) within the UK and internationally, providing support to UK nationals at risk of forced marriage. Community education and awareness campaigns aim to reduce stigma and encourage reporting. It appears that these clear legal tools and numerous FMPOs issued annually could provide an effective intervention. However, as already stated the number of prosecutions remain low and are rare due to difficulties in securing evidence, women' reluctance to testify, and cultural barriers.

Canada criminalised forced marriage in 2015 under the Zero Tolerance for Barbaric Cultural Practices Act. They amended the Criminal Code and Immigration and Refugee Protection Act. It treats forced marriage as a form of DFV with significant penalties. The literature highlights enforcement challenges,

particularly in immigrant communities where cultural pressures and fear of retaliation can deter women from seeking help (for example, Villacampa, 2020).

Therefore, when considering enhancing existing legislation in states we acknowledge that this could strengthen existing frameworks and integrate forced marriage more comprehensively into DFV laws. However, we are concerned that it may not address specific gaps or challenges related to forced marriage, such as difficulties in prosecution and enforcement. The options of standalone legislation provides a focused legal definition and protections for forced marriage, potentially improving enforcement and clarity. However, this would require significant resources for implementation and could face resistance if perceived as redundant. With either approaches the key risk that remains and can be seen overseas is the underreporting and we suggest that either Option A of enhanced or Option B of standalone legislation might not fully address underreporting, particularly in close-knit RRR communities where stigma and fear of retaliation are strong.

Additional options for consideration are cross-agency collaboration to improve recognition and support. This approach should address the unique challenges in RRR areas, such as isolation and limited-service access. This would require a comprehensive education initiative including all community sectors, not just specialist services; this concurs with suggestions in research, for example, Block, Hourani, Sullivan, and Vaughan (2022) who suggest that a holistic and integrated approach, responsive to socio-economic and immigration conditions, addressing the impact of stigma and fear of authorities, at a service-system funded models, and with appropriately supported culturally diverse workforce could in part address the issue. They suggest outreach beyond traditional settings to encompass support services that interact with marginalised women, extending to areas with limited internet access and technological support.

Challenges in RRR areas must address access to technology and stable internet limit engagement and access to services online. Therefore, support through online or tele-services might not be effective for women living in intergenerational households or in communities with inconsistent technological infrastructure. Education and support should include traditional, in-person methods and consider local communication practices to ensure inclusivity and effectiveness.

In terms of solutions to address these issues forced marriage in Australia's RRR areas requires a multifaceted approach. Enhancing existing legislation alongside targeted standalone measures may provide the best legal protections. However, these legal strategies need to be paired with robust support systems, cross-agency collaboration, and culturally sensitive education initiatives that consider barriers like limited technology access. In RRR communities, where internet access and teleservices may be unreliable, traditional methods of support, in-person services, and community engagement become crucial to ensuring that all women, particularly women, receive the help they need. Under the postcolonial framework, forced marriage is not just a legal issue but a socio-cultural challenge that demands addressing the broader power structures and identity politics influencing diaspora communities in Australia.

Question 10: Under option A are there civil protection frameworks alternative to family and DV frameworks that could be used to strengthen forced marriage civil protections?

Lyneham (2018) found that families and communities with strong social conservatism, rigid traditions, and strict behavioural norms. This creates pressure to conform with women considered "different," if they have disabilities, gender diversity, LGTBIQ as these positions conflict with societal expectations. In these environments, autonomy is impacted particularly regarding family matters like marriage, where choice is heavily restricted.

To address this issue within DFV frameworks, it is crucial to acknowledge that forced marriage stems from broader social pressures rather than just interpersonal abuse. Therefore, legal and policy changes must consider these cultural contexts while offering robust protections including:

Expanding DFV definitions: Recognising forced marriage within DFV frameworks means broadening definitions to encompass coercive control over marriage choices and cultural pressures that restrict autonomy.

Community engagement: Culturally sensitive community programs should be designed to challenge traditional views that normalise forced marriage. These programs must empower women to make autonomous decisions while providing support structures that respect their cultural backgrounds.

Legal protections: Special provisions for vulnerable women, with disabilities or diverse gender identities, are at heightened risk of forced marriage. This could involve tailored legal protections and enhanced access to victim support services.

By integrating these considerations, forced marriage could be addressed within the context of DFV; acknowledging cultural dimensions and vulnerabilities involved. Furthermore, concern about the level and issues of DFV currently in Australia would lead us to question this as the best approach?

Question 11: What evidence, or other types of actions, risks or harms connected to forced marriage should be considered as grounds for seeking a civil protection order for forced marriage? (page 17)

Other connection of harms related to forced marriage are raised via women from overseas, who come to Australia to marry Australian men through spousal arrangements. Their choice to marry and come to Australia is not always a choice made freely. There are precedents where women are pressured to marry due to financial, familial, or legal reasons (for instance, Nelson & Burn, 2024; Zeweri, 2023; Kneebone, 2019). When these women arrive in Australia, they may be isolated, and threats or coercion to force them into a marriage or keep them in it against their will.

Other considerations for legal protections are related to:

Legal and immigration pressures, especially for women on spousal or fiancé visas. They may face pressure to marry because their visa status and right to remain in Australia is dependent on the marriage. They may fear deportation if they refuse or try to leave the marriage. Some men use this immigration dependency as leverage, manipulating or coercing these women into marriage under threat of cancellation of their visa or sponsorship.

Cultural and social pressures should be considered, when women come from cultures where there is intense pressure to comply with arranged marriages. This embedded belief in women raises real fear for repercussions from family back home if they do not marry. The cultural expectation to adhere to the arranged marriage or fulfill perceived family obligations can compound the feeling of being trapped.

Less well documented, is the issue of Female Genital Mutilation (FGM) and forced marriage in Australia. Though both practices are distinct, they are forms of gender-based violence that arise in certain cultural and social contexts, particularly in communities with strong ties to tradition, patriarchy, and control over women's bodies. These practices are justified as ways to preserve cultural identity, maintain family honour, and control female sexuality. They are inherent in ideological underpinnings of women and marriage. In RRR areas of Australia, where diasporic communities exist in relative isolation, the risk of both FGM and forced marriage may be higher due to reduced access to education, healthcare, and legal services. This isolation can prevent women from seeking help or understanding their rights under Australian law. Internationally, there are similar correlations between FGM and forced marriage (Gill, Cox & Weir, 2018). Literature suggest that communities that practice FGM also have high rates of forced or early marriage, a pattern that can carry over to diaspora communities in Australia (for example, Bolarinwa, Ahinkorah, Okyere, Seidu, & Olagunju, 2022). Addressing both

FGM and forced marriage in Australia requires culturally sensitive education, legal enforcement, and community engagement, particularly in RRR or diasporic communities, to challenge these harmful practices.

Control and abuse, including emotional, physical, or financial abuse is relevant to women who are socially isolated, they can be prevented from learning English, accessing support services, or seeking help from authorities. Their limited understanding of their legal rights, combined with fear of authority, language barriers, or even misinformation about Australian laws, can make it extremely difficult for them to seek help or escape the marriage.

We reiterate concerted effort is required to impact on underreporting of forced marriage. Cases involving inbound migration to Australia are underreported (Van Hook, & Glick, 2020). Women in these situations may not realise they can refuse marriage or leave the relationship without facing legal repercussions. Cultural stigma, isolation, fear of deportation, and lack of awareness of services available to them all contribute to the underreporting.

Question 12: Do the proposed protections listed above address the most common and significant risks and harms faced by people in or at risk of forced marriage, including children? If not, what else should be addressed? (page 18)

The suggested protections only in part address the cultural and ethnic factors as they are entrenched and embedded within the culture. Cultural norms and expectations can significantly impact women's experiences of forced marriage. In some communities, traditional practices may perpetuate forced marriage. Women from these backgrounds face additional cultural pressures. Returning to earlier concerns about First Nations communities, we highlight that cultural practices and community dynamics can intersect with issues of forced marriage. Traditional practices and historical trauma may influence how forced marriage is experienced and addressed within these communities. We must commit to significant effort and generational change to challenge embedded paradigms related to forced marriage. We cannot remove a woman from her culture, we must acknowledge and work with it; it is part of the woman and without a deep understanding of the importance of this in her life and the dynamics of it we cannot address risks and harms faced by women and children.

Question 13: Are there any other risks or unintended consequences of the proposed protections that should be considered? (page 19)

As mentioned in other questions, the diasporic situation should be considered in terms of creating risks or unintended consequences for women. Diasporic discourses are typically found in communities of people who have migrated from their original homelands to other countries. These communities will often maintain cultural, social, and familial ties despite their location. In the context of forced marriage in Australia, diaspora communities raise unique challenges and risks for women, including cultural expectations, isolation, and complex transnational dynamics that influence risks. Any intervention in communities where diaspora is embedded could have unintended consequences especially considering legal protections. Diaspora is known to contribute to forced marriage risks as communities seek to preserve cultural traditions, maintain family honour, or exert control over women, especially in isolated or close-knit environments (for instance, Patton, 2018; Villacampa, 2020).

Diving into the risks or unintended consequences in diaspora communities' stricter legal protections or standalone legislation against forced marriage could lead to unintended social backlash within communities. In tightly knit migrant groups, forced marriage is associated with cultural, religious, or familial honour. These communities may perceive the law as an external imposition that targets or stigmatises their traditions. This can lead to increased secrecy around forced marriages, as families may attempt to avoid detection. The consequence of this would be alienation or marginalisation of entire communities, leading to a breakdown of trust between diaspora groups and government agencies or social services.

Stricter legal frameworks could inadvertently discourage women from seeking help due to fear of legal consequences for family members, especially in cases where cultural norms emphasise family honour over woman rights. Reluctance to testify or report forced marriage due to fear of retribution, further isolation, or loss of community support. A further concern relates to complexities involving family members from the country of origin related to immigration and visa issues, where legal intervention disrupts family reunification or visa processes. Families could potentially circumvent legal protections by conducting marriages abroad, which complicates enforcement and leaves women vulnerable.

Exacerbation of social isolation in RRR areas could lead to unintended consequences of not only increased social isolation or community backlash but also increased vulnerability of the community control or surveillance due to limited anonymity in RRR areas. In turn, the unintended reinforcement of cultural stereotypes against forced marriage perpetuates negative cultural stereotypes about specific communities. This fuels discriminatory narratives that frame these groups as inherently prone to human rights violations, which may heighten already fragile relationships between communities and society creating mistrust, where community members feel targeted rather than supported.

Lastly, access to services in RRR areas and technology limitations created unintended consequences through inadequate support for women who cannot access technology or reliable internet, especially in households where intergenerational families live together, limiting privacy and reduce effectiveness of outreach programs that rely on technology to provide legal or emotional support, leaving women in RRR areas even more isolated.

To avoid these unintended consequences, we believe that it is crucial that any legal protections against forced marriage consider culturally sensitive approaches that engage diaspora communities in dialogue, respect their traditions, and provide education on human rights without demonising cultural practices. Including support networks that offer safe, accessible alternatives to women of forced marriage, especially in RRR areas where physical access to services may be limited. Any approach must orient around respect, and trust-building with communities to ensure that the implementation of legal protections is supportive.

Question 14: Are there any additional people or organisations who should be able to apply for a civil protection order for forced marriage? If yes, who or why?

There are additional women and organisations who should be able to apply for a civil protection order for forced marriage to ensure inclusivity and comprehensive protection including:

Transgender and non-binary women who identify as women but were not assigned female at birth. Forced marriage can affect people of diverse gender identities, and their experiences may be overlooked due to rigid gender norms. Extending protection ensures that women who identify as women but were not assigned female at birth have equal access to legal support.

Men from other countries living a woman's lifestyle, particularly those in culturally conservative communities, may face pressure or coercion into forced marriage. Though often associated with women, forced marriage can affect men who do not conform to traditional gender roles. Protecting this cohort requires acknowledging the fluidity of gender and cultural expectations.

LGBTQ+ advocacy organisations, are important voices for those who may not feel safe or able to speak out themselves. These organisations have a deep understanding of the unique vulnerabilities faced by women whose gender identities or sexual orientations do not align with societal norms.

Culturally specific groups working with diaspora communities, particularly in rural, regional, and remote (RRR) areas, could be empowered to apply for protection orders on behalf of vulnerable women. These organisations often have the cultural competency and trust needed to reach those who may not engage with mainstream services.

By expanding the eligibility to apply for civil protection orders, legal protections can better reflect the diverse realities of forced marriage, ensuring broader coverage and support for vulnerable people.

Question 15: Are there risks associated with giving women or organisations the ability to apply for a protection order? If so, what are these risks and how could they be mitigated?

Given the issues already raised, the context of lack of knowledge about forced marriage, and under reporting then we suggest that anyone who has concerns, including women themselves or organisations should be able to apply for a protection order. This inclusive approach ensures that vulnerable women, especially in RRR areas, can access legal protections even when or if they cannot seek help independently. However, there are risks associated with giving women or organisations this ability, however, we suggest that these risks can be mitigated:

Risks:

Misuse of Orders: The potential risk of protection orders being misused for purposes other than genuine protection, for example, in family disputes or for revenge is mitigated by strict evidence requirements and oversight of courts ensuring orders are granted where risk is proven.

Overburdening the System: Allowing a wide range of women or organisations to apply for orders could increase the volume of applications. This is mitigated by providing adequate funding and resources to services, streamlined application processes and efficient case handling.

Cultural Sensitivity: In RRR areas, culturally specific organisations applying for protection orders on behalf of women might face backlash from communities who view these actions as an intrusion on family or cultural autonomy. The risks of alienating communities and reinforcing distrust is mitigated by ensuring that culturally competent professionals handle cases sensitively, respecting cultural values while prioritising safety.

Privacy and Retaliation: Women in RRR areas, particularly in First Nations communities, may face retaliation or ostracism from communities if it becomes known that an external party applied for a protection order on their behalf. This risk is addressed through strict confidentiality measures and safe, discreet processes for seeking protection.

Question 16: Should there be any limits on who can be a respondent for forced marriage civil protections? If so, how should they be defined? E.g. family members only?

In RRR areas, the question of who should be a respondent for forced marriage civil protections is particularly complex due to the strong community ties, easy identification of the woman and the role that families and broader community networks play in reinforcing social norms. Limiting respondents to family members may not fully address the issue of forced marriage, as other community figures or non-immediate relatives may be involved in enforcing or perpetuating the practice. Several issues are raised:

Social Control Beyond Family Members: to reinforce conformity within the community. In RRR areas, this pressure can extend beyond the immediate family, involving extended family members, religious or community leaders, and others who hold influence. Limiting respondents to family members would exclude key actors who may also be involved in coercing or facilitating forced marriages. This is resolved with civil protections allowing for any person exerting, pressuring or facilitating the marriage are respondents. A broader definition ensures those who influence beyond the immediate family are accountable.

Community Pressure and Broader Involvement: In some cases, community leaders or respected figures orchestrate forced marriages as part of cultural or religious practices. These people may not be related but hold influence in the community. If the law only targets family members, these influential figures may continue to operate without consequence, contributing to the persistence of forced marriages in certain communities. Expanding the definition of who can be named as a respondent should include any person involved in the coercion, facilitation, or support of a forced marriage, regardless of familial relation.

Cultural Norms and Patriarchal Structures: In RRR areas, particularly in diasporic communities or isolated groups, patriarchal norms may be deeply embedded. Fathers, brothers, uncles, and non-family members within the community may all enforce traditional gender roles, pushing young women into forced marriages to uphold cultural expectations. Limiting respondents to immediate family would overlook the wider social networks involved in maintaining these practices. Enhanced legal frameworks defining a "respondent" as a person using their position of power to facilitate or enforce forced marriages, whether inside or outside the family structure.

Hidden Actors and Community Involvement: Often, people coercing women into forced marriages operate in the background, not directly pressuring the woman but supporting or coordinating efforts to arrange the marriage. Extended relatives or influential figures, such as family friends or religious leaders, can be integral to the enforcement of forced marriage norms. The broader concept of respondent would ensure that hidden actors in forced marriage are accountable.

In the context of RRR areas, where communities are tightly knit and power dynamics extend beyond the immediate family, limiting respondents for forced marriage civil protections to family members would be insufficient. Social control within these communities often involves a broader range of actors, including community leaders and other influential figures. To effectively address forced marriage, the definition of who can be a respondent must be expanded to include any person involved in coercing, pressuring, or facilitating the marriage. Legal protections must be adaptable to the unique challenges posed by RRR communities, ensuring that the law captures all responsible parties and provides comprehensive protection for women.

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Question 17: How can the risk of victim-survivors being coerced into abandoning orders be addressed.

The risk of victim-survivors being coerced into abandoning protection orders in RRR areas is heightened by several factors, including geographical isolation, cultural stigma, and socio-economic disadvantage. Addressing these risks requires a multifaceted approach that tackles the underlying barriers and provides sustainable support systems.

Key Barriers:

Geographical Isolation: Limited access to DFV services in RRR areas can prevent women from fully utilising legal protections. Without local resources, women may be pressured by their families or communities into withdrawing protection orders, especially in cases of forced marriage. A potential solution is mobile legal services, tele-support, and increased funding for community-based organisations could mitigate this isolation, ensuring victim-survivors have accessible, consistent support, even from a distance.

Cultural Stigma: In small, close-knit diasporic communities, seeking protection may carry significant social stigma, with the potential for community backlash. Women may be coerced into abandoning orders to avoid shame or maintain family honour, especially in communities where cultural preservation is highly valued. This is reduced with culturally sensitive education and awareness

campaigns, combined with community engagement, can challenge harmful traditions like forced marriage while respecting cultural values. Support services must be designed with cultural competence, ensuring that women feel safe and understood when seeking help.

Patriarchal Bargains: Patriarchal systems can create a "bargain" for women, where they accept practices like forced marriage for security or status within their communities. In RRR areas, limited economic and social opportunities make this bargain more appealing or necessary, increasing the likelihood of coercion. Economic empowerment programs, such as job training and financial support, can give women the tools to break free from coercive situations. Providing alternative paths for economic security reduces the appeal of patriarchal bargains and strengthens their ability to maintain protection orders.

Socio-Economic Disadvantage: Economic dependency on family or community members who support forced marriage can trap women in abusive situations. Financial insecurity may make it difficult to maintain a protection order, especially if abandoning it offers some economic stability. Accordingly, expanding access to financial assistance, legal aid, and housing support can help victim-survivors maintain protection orders without fear of losing economic stability. In RRR areas, where resources are often scarce, allocating specific funding to assist victim-survivors is essential to breaking the cycle of coercion.

By addressing the root causes of isolation, cultural pressure, and economic dependency, victim-survivors in RRR areas can be better supported and are more likely to maintain protection orders. Empowering both women and organisations to apply for orders, alongside offering sustainable and culturally competent support, is key to reducing the risk of coercion.

Question 18: How can the views of victim-survivors including children, best be sought and incorporated into the process for hearing and issuing civil protections for forced marriage?

To ensure that the views of victim-survivors, including children, are sought, and incorporated into the process for hearing and issuing civil protections for forced marriage, a comprehensive, inclusive, and culturally sensitive approach is required. We suggest that are several strategies which could address accessibility, inclusion, and engagement with victim-survivors:

1. Accessible and Safe Platforms for Providing Views:

Digital Accessibility: For those in remote, rural, and regional (RRR) areas, internet access may be limited. To overcome this, the process should allow for multiple ways to submit views, including telephone hotlines, in-person submissions via community centre's, and accessible digital platforms. Programs should also ensure mobile data support for those who cannot afford internet services.

Technology Use: Provide access to digital tools like mobile applications or secure websites that are easy to navigate for people with varying levels of digital literacy. For children and others who may struggle with complex language, user-friendly interfaces and clear, simplified instructions should be provided.

2. Trauma-Informed and Culturally Appropriate Communication:

Child-Friendly Communication: Using age-appropriate language and methods by people trained in this work. Trauma-informed professionals can conduct interviews or use creative tools (e.g., drawing, play-based methods) to gather children's perspectives in a non-intimidating way.

Cultural Sensitivity: For First Nations people, as well as other culturally diverse communities, culturally safe communication is vital. Engaging cultural liaisons, community elders, or trusted

intermediaries can ensure that victim-survivors feel comfortable expressing their views without fear of misunderstanding or disrespect.

3. Trusted Intermediaries and Safe Spaces:

Engagement with Community Organisations: Victim-survivors, particularly children, may be hesitant to engage with legal systems. Trusted community-based organisations and professionals, such as social workers, community leaders, or Aboriginal Legal Services, can act as intermediaries, ensuring that the voices of survivors are heard and represented. These intermediaries can also help explain the legal process in a way that feels safe and understandable.

Creating Safe Spaces: In schools, health centres, and community hubs where victim-survivors, including children, can privately share their experiences without fear of retribution or being exposed.

4. Anonymous and Confidential Input Options:

Protecting Privacy: In cases of forced marriage, survivors, particularly children, may fear repercussions from their families or communities. Offering anonymous and confidential channels for providing input can help victims feel safer to speak out. These channels could include online anonymous submission forms, helplines, or community advocates gathering and conveying feedback anonymously.

5. Inclusive and Holistic Approaches:

Holistic Consideration: Every victim-survivor's experience is unique. The legal process should ensure that a woman's woman circumstances are considered, whether language barriers, cultural sensitivities, or trauma. This can be achieved by incorporating specialists in child welfare, social workers, and cultural advisors into the process.

Support Services: For children and other vulnerable groups, the presence of a guardian ad litem or advocate during hearings can ensure their views are accurately represented, while protecting them from the direct stress of court involvement.

6. Feedback from Victim-Survivors on Process Design:

Co-Designing Solutions: Engage victim-survivors in the design to gather their views and create systems that are accessible and safe. Continuous feedback loops, where survivors provide input on how the process should be implemented for best practice and continual improvement of services and support.

7. Overcoming Geographical and Resource Barriers:

Outreach to RRR Areas: For survivors in RRR areas, outreach programs are essential. Travelling legal and support services, mobile legal clinics, and partnerships with local community organisations can ensure that views are gathered despite the lack of physical legal resources in their area.

Support with Technology: Such as public Wi-Fi hotspots, community computers, or free data packages for vulnerable populations to allow them to participate in legal processes remotely. Training on how to use technology for submitting views could be offered in community centres or through partner organisations.

We advocate for the provision of safe, accessible, and culturally competent avenues for victim-survivors, including children, to share their views, the civil protection process can be more inclusive

and reflective of the diverse experiences of those at risk of or affected by forced marriage. This includes leveraging technology, partnering with trusted community organisations, offering confidential and anonymous channels, and using trauma-informed approaches to gather and incorporate these voices effectively.

Question 19: What other supports should be available for people in or at risk of forced marriage, including children, to support them through the civil protection order application process? For example, additional supports through the application process or additional courtroom protections?

Our response to this question focused on similar provision of services to those already covered above. We suggest that to support women at risk of forced marriage, including children, through the civil protection order application process, a range of tailored, flexible, and culturally appropriate supports must be made available. A "one size fits all" approach is not suitable, given the unique circumstances that surround each case of forced marriage. Key supports include:

- **Culturally Competent Legal Support:** Legal advisors with expertise in forced marriage and cultural sensitivity are crucial. They must understand the complex social, cultural, and familial pressures women face, offering non-judgmental, informed guidance that respects the client's cultural background.
- **Trauma-Informed Counselling:** Forced marriage survivors often experience significant emotional and psychological trauma. Access to trauma-informed counselling, both during and after the civil protection order process, can offer crucial emotional support. For children, child-specific trauma counselling services must be made available.
- **Advocacy and Case Management:** To guide women through the legal process, explain their rights, and help with logistical challenges is vital. This person should act as a liaison between different service providers (legal, social, and mental health services) to offer holistic support.
- **Access to Safe Housing:** and/or access to safe, confidential housing is important.
- **Courtroom Protections:** Forcing women to face their family members in court can be traumatic. Special courtroom protections such as closed hearings, the use of video links for testimony, or protective screens can help minimise fear and intimidation. Allowing victim-survivors to provide evidence in a way that feels safe is essential.
- **Child Protection Services:** Actively involved, ensuring the child's centred practice interests from professionals trained to recognise the specific vulnerabilities of children in forced marriages.
- **Interpreters and Language Support:** Access to trained interpreters, in the courtroom and throughout the application process, ensures that language barriers do not prevent understanding of rights or legal proceedings.
- **Support for Disabled Women:** Services should be equipped to support women with intellectual, physical, or sensory disabilities, ensuring they are fully included in the process and that their unique needs are met.
- **Outreach and Education for Communities:** Raising awareness in communities about forced marriage and legal rights, through culturally appropriate outreach and education, could reduce stigma and encourage help seeking. Community-led initiatives that focus on prevention are equally essential to reaching those who might be isolated.
- **Peer Support Networks:** Can provide a safe space for women to share their experiences and receive emotional support from other women who have gone through similar situations.
- **Flexible Application Support:** Support should be adaptable to different situations. For example, people who are geographically isolated or unable to attend in person should be able to access remote application assistance via phone, online, or mobile services.

By offering a variety of supports that are personalised, culturally sensitive, and responsive to woman needs, the system can more effectively help people in or at risk of forced marriage navigate the civil protection order process.

Question 20: What grounds should be relevant to making interim orders where a person is in or at risk of forced marriage? (page 21)

When making interim orders in cases where a woman is in or at risk of forced marriage, several grounds should be considered to ensure protection. These should focus on the immediate risk, safety and well-being of women recognising the complexity of forced marriage involving multiple layers of coercion and control:

- **Imminent Risk of Harm:** Any immediate danger, including physical, emotional, or psychological harm, should be a primary consideration. If there is evidence or credible reports of threats, intimidation, or violence, this should be grounds for an order.
- **Coercion and Control:** From family members or the community including threats, isolation, manipulation, or emotional manipulation should be grounds for an order, even if there is no immediate physical violence.
- **Age and Vulnerability:** Special consideration for young women who are vulnerable: those with disabilities or limited access to resources. If the risk requires immediate protection interim orders should be issued without delay to prevent further risk of forced marriage.
- **Geographical Isolation:** For women living in RRR areas, the risk of forced marriage is exacerbated by geographical isolation. Lack of local services, legal, and social support increases vulnerability. Interim orders should be granted based on these risk factors, recognising the limited access to help in these areas.
- **Evidence of Planned or Pending Travel:** Plans to take the woman overseas for marriage or an indication that she may be taken overseas, should be grounds for urgent orders preventing the removal.
- **Cultural or Religious Pressures:** Tied to cultural or religious beliefs, and pressure to conform to these practices is immense. If the woman is facing cultural pressure, this should be recognised as a ground for an interim order, particularly if they have voiced concerns or sought help.
- **Barriers to Independent Action:** Women at risk of forced marriage may face barriers to acting independently, such as financial dependency, fear of community backlash, or lack of knowledge about her legal rights. If the woman demonstrates any signs of being unable to take independent action, an interim order to protect her rights and safety.
- **Multi-Agency Collaboration:** Police, community organisations, working in a coordinated approach helps identify multiple risk factors and ensures that all aspects of the woman's safety and well-being is considered.

By considering these grounds, the court can better assess the risk and make timely, effective decisions that prioritise the safety of women at risk of forced marriage. Multi-agency collaboration is essential to ensure that all relevant factors are identified and addressed.

Question 21: Should interim orders be limited to include some but not all the proposed scope of orders (outline in scope of orders) If so, what protections should be included or excluded, why?

Interim orders in forced marriage cases should not necessarily be limited to include only some of the proposed protections, as the complexity of forced marriage situations requires a comprehensive approach to ensure the safety and well-being of the woman. In specific circumstances, certain protections may be more urgent or appropriate:

Immediate Safety and Security:

- **Physical Protection:** such as restraining orders against family members or others coercing the marriage should be included.

- **Residence Protections:** Women may need immediate relocation or protection from being forced out of their homes. Interim orders should include provisions that prevent forced removal from home or being taken overseas.

Freedom of Movement:

- **Passport and Travel Restrictions:** If there is a risk of being taken overseas for marriage, orders should include immediate suspension of travel documents and restrictions on international travel.

Protection Against Coercion and Threats:

- **No Contact Orders:** Preventing contact with people coercing or threatening the victim are essential.

Access to Support Services:

- **Legal and Social Support:** Ensuring women have access to legal advice, and support during the process given that many women may not have the resources or awareness to seek help on their own.

Visa Protections:

- For victims who are not Australian citizens. This is crucial for those brought to Australia for marriage and who fear deportation. The order should ensure they can remain in the country while their case is being resolved.

Protections That Could Be Excluded or Limited (Based on Context) include: Financial Orders such as maintenance payments or property settlements, may not be immediately necessary. These issues are important long term, but not always urgent and can be addressed in long-term.

Education and Employment Orders: Depending on circumstances, protections around education or employment may not always need to be included. They can be considered on a case-by-case basis, especially if these factors are being used to coerce or control the victim.

Rationale for Full Scope of Protections: Forced marriage, as discussed involves multiple forms of coercion. Limiting the scope of interim orders could leave victims vulnerable to ongoing coercion and pressure, even if physical protection is in place.

Mitigating Risks: While interim orders with a broad scope are essential for protection, careful monitoring and follow-up is necessary to uphold orders. This requires collaboration of police, community organisations, and legal services to provide support and enforcement of the order.

In forced marriage cases, interim orders should cover a broad range of protections, prioritising immediate safety, freedom of movement, and protection against coercion. Limiting the scope may leave victims exposed. However, financial and property matters can be addressed in the final orders. Multi-agency collaboration and oversight can ensure that protections are effective and enforced.

Question 23: What kind of evidence could point to a risk of forced marriage and be considered by police when considering the groups for an interim order where a person is in or at risk of forced marriage?

When considering the risk of forced marriage for an interim order, police can rely on several types of evidence to assess the danger a person may face including:

Statements from the Victim or Witnesses:

- **Direct Statements:** If the woman explicitly communicates fear of being forced into a marriage or has shared details about family pressure, this should be taken seriously.
- **Reluctance or Fear:** Indications that the woman is fearful of family members, or a planned trip abroad can suggest coercion or if family members may speak on her behalf or seem anxious or evasive when asked about marriage plans.

Cultural and Social Pressures:

- **Cultural Expectations:** Evidence that the community has precedent for where forced marriage, especially if the family is known to enforce traditional customs. Police may consider whether the woman feels pressured due to cultural or social obligations to fulfill their family's expectations.
- **Community Influence:** Reports from community groups/organisations about practices or attitudes in the person's community that support forced marriage may also be relevant.

Travel Plans:

- **Planned Travel Abroad:** Sudden arrangement of travel to countries where forced marriage is more common or where extended family resides. Police should investigate whether the person is being pressured to travel, especially if they express reluctance or if the trip is planned around significant family events.
- **Seizure of Travel Documents:** If the woman at risk has her passport or travel documents withheld by family members, this could point to attempts to prevent them from leaving or from avoiding the forced marriage.

Communication:

- **Evidence of Coercion:** Showing the woman is being pressured to comply with family wishes, such as threats of disownment, emotional manipulation, or hints at physical harm if they do not agree to marry.
- **Tracking of Behaviour:** If family members are monitoring or restricting her communication, including surveillance of their social media or phone use, this can indicate controlling behaviour linked to forced marriage.

Sudden Changes in Behaviour:

- **Withdrawal from Social Circles:** If the woman suddenly stops attending school, work, or social activities, this could evidence family pressure including changes in behaviour, reports from teachers or employers can establish this pattern.
- **Changes in Personal Autonomy:** If the woman has lost autonomy in daily activities, such as restrictions on where she can go, who she can talk to, or whether she has control over her finances or personal documents.

Community or Religious Leaders:

- **Involvement of Religious or Community Figures:** In mediating or pressuring the marriage knowing that people may facilitate or encourage forced marriages under the guise of cultural or religious tradition.

Reports from Service Providers:

- **Medical or Counselling Reports:** Professionals who have had interactions with the woman at risk, and report signs of emotional distress, anxiety, or fear related to marriage plans.
- **Support Organisations:** Community and legal services specialising in forced marriage may be aware of the woman and can provide insight into the family dynamics and risks involved.

Patterns of Family Behaviour:

- **Previous Incidents:** A history of forced marriages in the family or community is relevant, particularly if older siblings or other family members were coerced into similar marriages.
- **Control and Isolation:** If the family has a pattern of isolating women, controlling their movements, or using emotional and physical abuse to enforce compliance, this should be considered strong evidence of risk.

When assessing whether to issue an interim order for a woman at risk of forced marriage, agency should consider diverse forms of evidence. Both direct and indirect indicators, will enable a comprehensive understanding of the risk. Combined with multi-agency collaboration, we can ensure enhanced protection of the woman.

Question 23: Are there any circumstances where personal service of orders should not be required (for example electronic service)? If so, what are those circumstances?

There are circumstances where personal service of protection orders should not be required, and electronic service or alternative methods may be more appropriate. In forced marriage, the safety of the woman and practical considerations often necessitate flexibility in serving legal documents. We have listed the circumstances in which we believe that personal service may not be suitable:

Risk of Retaliation or Harm

- *Physical Safety Concerns:* If personal service could place the woman in further danger of retaliation from family members or the respondent, alternative methods such as electronic service (via email or text message) or service through a third party should be considered. Direct confrontation may escalate tensions and increase the risk of violence.
- *Situations of Coercive Control:* If the respondent is engaging in coercive control, delivering the order in person could expose the woman to manipulation or intimidation, making them more vulnerable.

Geographical Isolation (RRR Areas)

- *RRR Areas:* In RRR areas where physical service may be logistically challenging or delayed due to distance, electronic service offers a faster and more reliable option. This is relevant in rural and remote communities where service providers may not be available.
- *Cultural or Community Dynamics:* In small, tight-knit communities, personal service may draw unwanted attention, exposing the woman to social stigma or backlash. Anonymity can be better preserved through alternative service methods.

Emergency Situations

- *Immediate Protection:* Where there is an urgent need for protection, electronic service ensures the order is delivered without the delay. This is crucial in preventing forced travel for forced marriage.

- *Lack of Access to the Respondent:* If the respondent is avoiding service, electronic or alternative service is a viable way to ensure they are notified of the order.

Anonymity and Privacy Concerns

- *Fear of Disclosure:* Personal service may compromise the privacy of the woman, especially in situations where the respondent does not yet know about the legal proceedings. Serving the order electronically avoids premature disclosure and allows the woman to remain anonymous until safety measures are in place.
- *Sensitive Family Dynamics:* In cases involving family members as respondents direct service might create additional tensions within the family unit. Electronic service would minimise the potential for family members to confront the woman.

Technological Accessibility

- *Easy Access to Technology:* Most women will have access to electronic devices, making service via email, messaging apps, or social media a practical and immediate method. Courts and legal systems can track the receipt of electronic orders more efficiently than waiting for personal delivery in some cases.

Legal and Logistical Barriers

- *International Parties:* where one or more parties are outside Australia, personal service may be impractical or impossible. Electronic service is reliable alternative for notifying respondents in different jurisdictions.
- *Restraining Orders with Multiple Respondents:* If multiple family members are involved simultaneous personal service may be complicated. Electronic service can streamline the process by delivering orders simultaneously.

Mitigating Risks of Electronic Service

Electronic service has clear advantages in certain circumstances, if:

- *Confirmation of Receipt:* Systems knowing that the respondent has received the electronic notification (e.g., read receipts, verification through follow-up communication).
- *Legal Validity:* recognising electronic service as valid to avoid disputes over whether the respondent was properly served.

Extending this to consideration of delivery in First Nations communities, a culturally sensitive approach is essential. It is well known that First Nations people in Australia often face unique cultural, geographical, and historical challenges when interacting with legal systems. To address these challenges, it may be necessary to allow for alternatives to personal service, such as electronic service, in certain circumstances.

Culturally Sensitive Approach for First Nations Communities:

Geographical Isolation: For First Nations communities in RRR areas, delivery may be difficult due to distance, lack of infrastructure, or limited access to services. In these situations electronic service (such as email or text message) or using community hubs or trusted intermediaries within the community to deliver orders is an effective alternative and reduces delays in the legal process and ensure that orders are received in a timely manner.

Cultural Sensitivity and Trust: For many First Nations people a deep mistrust of external authorities, including the legal system, is based on historical trauma, colonisation, and ongoing systemic discrimination. As a result, direct personal service may trigger fear or resistance. Therefore, using trusted community leaders, elders, or culturally competent service providers to facilitate the delivery of legal orders can help reduce this fear and build trust. In situations where personal service could exacerbate trauma or tension, electronic service may be an appropriate alternative, especially if facilitated by a culturally knowledgeable intermediary who can explain the significance and purpose of the orders.

Respect for Cultural Protocols: ensuring specific cultural protocols around communication, privacy, and the involvement of external authorities is provided for in the service. Personal service of orders may be seen as invasive or disrespectful to these cultural practices. Consequently, allowing for electronic service or use of culturally appropriate methods of communication, would ensure that cultural protocols are respected.

Privacy Concerns in RRR Communities: the visibility of personal service of legal orders can result in a loss of privacy, leading to community stigma or shame for the person receiving the order. This is particularly important when dealing with sensitive issues like family violence or forced marriage. Again, the electronic service offers a discreet way to serve orders, reducing the risk of public exposure and the associated stigma. In such cases, service through secure and confidential means should be prioritised to protect the privacy of the person receiving the order.

Accessibility for Vulnerable Populations: accounting for people disabilities or health issues, who need to be served may require the involvement of guardians or designated community support workers to ensure they receive and understand the orders without the need for direct personal service. This is especially important for ensuring the accessibility of the legal process for all members of the community.

When Personal Service Should Not Be Required: In RRR communities, where personal service is logistically challenging or will cause undue delays, electronic service should be allowed. In these cases, community networks, health services, or Aboriginal Legal Services can ensure the person understands and complies with the order.

Circumstances of Trauma or Vulnerability: For women who have experienced significant trauma, such as survivors of family violence or forced marriage, personal service could retraumatise or escalate an already volatile situation. Electronic service, combined with trauma-informed support from culturally competent services, would be a safer option.

Situations of Urgency or Safety Concerns: where the safety is a consideration, electronic service could be used to quickly and discreetly deliver the order to manage risks to the woman being protected by the order.

Therefore, we suggest that electronic service of orders is a 'woman centred' protective approach. We suggest in situations this is a good option, where personal service poses risks, is impractical, or delays urgent protection. We advocate for legal systems being adaptable to ensure that these methods are used effectively, and that service is verified to women especially in RRR areas. As we have highlighted there are a specific issue for First Nations communities whereby culturally sensitive alternatives to personal service of legal orders must be considered.

Question 24: Are there remedies, in addition to civil protections, for people in or at risk of forced marriage that should be considered? (page 22)

Yes, we suggest that there are remedies beyond civil protections that should be considered for people at risk of or experiencing forced marriage. These remedies should address the diverse needs of

women, particularly those who may face additional vulnerabilities, such as women with disabilities, transgender women, or those in coercive circumstances due to illness or socio-economic pressures. Remedies should also include tailored interventions and legal protections, including guardianship support where appropriate.

Guardianship Protections for Vulnerable Women

Women with Disabilities: are at an increased risk of coercion into forced marriage due to their dependence on family members or caregivers. Legal guardianship protections can be established to ensure that these women have an independent advocate or guardian to protect their rights and prevent family members from exploiting their vulnerability. Expanding access to independent guardians who can intervene in cases of forced marriage or other forms of coercion. Guardians can also assist with navigating legal processes, ensuring that their voices are heard and respected.

Women with Illness or Mental Health Issues: are also be vulnerable to forced marriage due to their compromised ability to advocate for themselves or seek help. Guardianship provisions should extend to women who are unable to make fully informed decisions due to their health. Establishing a legal process where a legal guardian represents her best interests may prevent forced marriage.

Tailored Support for Transgender Women and Other Gender-Diverse Women

Transgender Women: or women who identify as non-binary may face unique risks of forced marriage, especially in communities where gender diversity is stigmatised. These women may be coerced into marriage to "correct" or suppress their gender identity or because of societal pressure to conform to traditional gender roles. Extending our previous suggestions that legal protections could be extended to include women at risk of forced marriage based on their gender identity. Civil protections must be inclusive of transgender women, allowing them to access services designed to help women avoid forced marriage without facing discrimination or being forced into inappropriate services based on birth sex.

Broader Social and Legal Support for All Women at Risk of Forced Marriage

Housing and Economic Support: based on the consideration that women are coerced into marriage due to economic dependence on their families. We suggest that adequate funding is needed to provide emergency housing, financial assistance, and access to employment opportunities for women fleeing forced marriage situations. Additionally, strengthening programs that provide women with the skills and resources to live independently from their families, would ensure women are not economically or socially forced back into abusive or coercive situations.

Health and Counselling Services: Women forced into marriage often face significant emotional and psychological trauma. From our suggested holistic approach, we believe they should have access to counselling and mental health services that address the unique trauma of forced marriage. Offering trauma-informed counselling, health services, and rehabilitation programs should be available regardless of immigration status or financial ability.

Community Education and Prevention: working to resolve the issue that forced marriage is deeply rooted in cultural and social practices. While legal protections are necessary, preventing forced marriage requires community-level interventions that challenge the norms and expectations leading to this practice. As already suggested this a whole of community, collaborative, multi-agency issue focusing on human rights, gender equality, and the legal consequences of forced marriage.

To protect women at risk of forced marriage, a broad range of remedies beyond civil protections is necessary. The legal framework should be adaptable to recognise the diverse experiences of women

in vulnerable situations, ensuring that all women, regardless of their background or identity, have access to the support and protections they need.

Question 25: Currently, do forced marriage victim-survivors face barriers or difficulties when seeking a declaration of nullity in relation to their forced marriage? If yes, how could these barriers or difficulties be addressed?

Forced marriage victim-survivors in Australia face significant barriers and difficulties when seeking a declaration of nullity (annulment) in relation to their forced marriage. Factors contributing to these challenges, include control and abuse, limited understanding of legal rights, fear, and socio-cultural pressures. These barriers can be addressed through various targeted measures aimed at empowering survivors and improving access to legal remedies.

Barriers Faced by Forced Marriage Victim-Survivors:

- **Social Isolation:** Many women are socially isolated and prevented from accessing information or services that could help them understand their legal rights. Isolation, particularly in regional, rural, and remote (RRR) areas, further limits their ability to seek help.
- **Abuse and Coercion:** Victims of forced marriage may face ongoing emotional, physical, and financial abuse, which can prevent them from seeking a declaration of nullity. This abuse can be compounded by threats of harm or consequences if they attempt to escape or annul the marriage.
- **Language Barriers:** Many women in forced marriages may not speak English fluently, making it difficult for them to understand their legal options or navigate the annulment process.
- **Fear of Authority and Misinformation:** Misinformation about Australian laws, particularly around forced marriage, can deter women from seeking help. Many women may fear deportation or punishment if they come forward.
- **Community Stigma:** in RRR communities, where women may face intense pressure to stay in the marriage to avoid bringing shame to their families. This stigma can be even more pronounced for women from diasporic communities or First Nations women.
- **Lack of Cultural Sensitivity:** Women report that legal services and the annulment process are not culturally sensitive, making them hesitant to engage with the system.

How These Barriers Can Be Addressed:

- **Culturally Sensitive Legal Services:** must be provided to address the unique needs of women from diverse backgrounds.
- **Provision of Legal Aid:** and representation to help navigate the process of seeking a declaration of annulment. Legal aid services should also prioritise providing multi-lingual support and legal education to bridge language barriers.

Increased Community Awareness and Education:

- **Awareness Campaigns:** within at-risk communities about the legal protections including the process for annulment.
- **School and Youth Education:** including education about forced marriage laws and rights to empower young people, particularly girls, to understand their options and seek help early.

Improved Access to Support Services:

- **Safe Spaces and Confidential Support:** to confidential support services, safe houses and emergency accommodation options especially in RRR areas where services are sparse.

- **Holistic Support for Women in RRR Areas:** Collaboration between national and RRR-specific services, such as First Nations organisations, can ensure women in RRR areas receive support tailored to their geographical and cultural context.

Streamlined Legal Processes:

- **Simplified Application Process for Annulment:** with clear guidelines and reduced procedural burdens.
- **Electronic Filing and Remote Hearings:** For women in RRR areas, electronic service of legal documents and the option to participate in hearings remotely should be available to reduce logistical challenges.

Psychosocial Support:

- **Trauma-Informed Counselling:** accessible offered alongside legal assistance to support mental health during and after the annulment process.
- **Empowerment Programs:** focusing on skill development, employment opportunities, and economic independence.

Legal Guardianship for Vulnerable Populations:

- **Guardianship:** For women with disabilities or serious illnesses, to ensure they have an independent advocate to protect their rights.

Visa Protections:

Family Violence Provisions: must be made more accessible. These provisions allow women to seek permanent residency if they leave a forced or abusive marriage, regardless of their visa status.

Question 26: What are the risks and barriers for seeking support for people at risk of or in a forced marriage? What strategies could be considered to address these?

Women at risk of or in forced marriages face numerous risks and barriers when seeking support, particularly when it comes to accessing services and protections. These barriers often stem from a combination of cultural, social, geographical, and systemic challenges. We highlight key risks and barriers, and have also considered strategies to address them:

Risks and Barriers:

Cultural and Social Pressures:

- **Family and Community Expectations:** including fear of shame, ostracisation, or violence from family or community.
- **Stigma and Shame:** In RRR communities, seeking help may be seen as dishonouring the family or going against cultural values, resulting in social isolation or retaliation.

Fear of Repercussions:

- **Reprisal:** Women may fear an exacerbation of emotional, physical, or financial abuse if they seek help and that their families may harm or disown them.
- **Isolation and Control:** of women, restricted movement, and lack access to communication tools like phones or the internet, make it harder to seek assistance or leave the marriage.

Geographical Barriers in RRR Areas:

- **Limited Access to Services:** Women in RRR areas often have less access to specialised services, including legal, social, and emergency support. This is further impacted by lack of public transport long distances to services, and limited internet connectivity.
- **Lack of Culturally Appropriate Services:** In RRR areas there is a dearth of culturally sensitive services or professionals trained to respond to the needs of women at risk of forced marriage, further preventing women from accessing support.

Lack of Awareness and Legal Knowledge:

- **Limited Understanding of Rights:** or that forced marriage is illegal. Language barriers, misinformation, or a lack of education about available protections can prevent women from reaching out for help.
- **Mistrust of Authorities:** not trusting the police or the legal system due to lived experience and fears of deportation, further inhibiting their ability to seek assistance.

Age and Vulnerability:

- **Children and Adolescents:** may not have the means or knowledge to escape forced marriages or may fear disobeying their parents. They are particularly vulnerable and may not be aware of how or where to seek help.

Intersectional Barriers:

- **Women with Disabilities:** are vulnerable to forced marriage due to their dependency on carers and may face additional barriers to accessing services, including a lack of accessible facilities or services that understand their needs.
- **LGBTQI+ Women:** People who identify as women but do not fit into traditional gender roles may be coerced into marriage as a means of controlling their identity. This group may experience discrimination, fear of rejection, or violence, compounding the difficulty of seeking support.

Strategies to Address Risks and Barriers

Culturally Competent Support Services:

- **Community Engagement and Education:** Culturally sensitive awareness campaigns should be implemented to educate communities about the legal status of forced marriage in Australia and the rights of women.
- **Training Frontline Workers:** Social workers, health care providers, and law enforcement need specialised training on how to recognise and respond to forced marriage cases, particularly in RRR areas, to ensure they can offer appropriate support and protection.

Improved Access to Services in RRR Areas:

- **Mobile and Remote Services:** can bridge the gap in RRR areas where services are limited. Telehealth and legal advice via phone or online platforms can provide access to support even in RRR locations.
- **Digital Inclusion:** Addressing internet connectivity issues in RRR areas is crucial. Investment in digital infrastructure would allow women to access online resources, support hotlines, and legal assistance remotely, reducing their isolation.

Safe and Anonymous Reporting Mechanisms:

- Anonymous Support Options: such as online helplines, text message services, or drop-in centres where they can seek advice and support without revealing their identity.
- Confidentiality Protections: for women is key to building trust. Police and service providers should offer guarantees that seeking help will not result in automatic family notification or negative repercussions.

Legal Protections and Rights Awareness:

- Rights Education: and greater access to information about their legal rights, including protection orders, visa protections, and options for .
- Streamlined Legal Processes: making it more accessible for women who may not be familiar with the legal system can provide quicker and more effective safeguards.

Specialised Services for Vulnerable Groups:

- Guardianship for Vulnerable Women: to prevent forced marriage. Social workers and advocates should ensure these women have access to legal guardianship if necessary and protections against coercion.
- LGBTQI+ Support Services: for LGBTQI+ women at risk of forced marriage should be established, offering them targeted support and protection that considers the unique risks they face.

Holistic, Multi-Agency Collaboration:

- Integrated Response Teams: providing a coordinated response, ensuring that survivors receive legal protection, social support, and emotional care simultaneously.
- Case Management for Survivors: that tailors' services to the specific needs of the survivor whether that includes legal support, housing, or counselling ensures that they receive holistic and sustained support.

Addressing the risks and barriers faced by those at risk of or in forced marriages requires a multi-faceted approach that includes improving access to services, increasing awareness and legal knowledge, and providing culturally competent, trauma-informed support. By creating more inclusive and accessible systems and leveraging existing knowledge, these strategies can help drive meaningful change and ensure that survivors of forced marriage receive the support and protection they need.

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

A woman seeking protection through legal systems may face risks such as isolation from their family and broader community, lack of support, and fear of reprisal or shame; these risks and barriers will be exacerbated within diaspora communities. We reinforce the need for the identified barriers to be mitigated by providing culturally sensitive services, ensuring access to legal support, and prioritising the empowerment and autonomy of survivors of forced marriage. Interventions should offer safe, confidential spaces for decision-making and focus on comprehensive, multi-agency support to ensure both legal protection and emotional well-being.

Question 28: Engaging with support systems and legal systems may heighten risks for people facing forced marriage. Are there any actions that should not be undertaken by frontline responders or legal services when a person may be at risk of forced marriage?

When a woman is at risk of forced marriage, certain actions by frontline professionals which may lead to an increase their vulnerability or jeopardise their safety. To minimise these risks, the following actions should be avoided:

- *Direct Engagement with Family/Community*: with the family or community without the woman's consent can heighten their risk of further coercion, control, or harm, particularly in close-knit communities where forced marriage is normalised. We have covered in previous responses how the circles of connections can be tight, and perpetrators of forced marriage may not only be family or relatives but also other figures in communities.
- *Rushed Legal Proceedings*: without adequate plans for support can overwhelm women, particularly those from RRR areas. Granting orders is not always in the best interest of the woman due to her circumstances also raises the risk.
- *Disclosure Without Consent*: about the woman's situation without explicit consent can lead to isolation, retaliation, or escalation of abuse. Whilst this may be age dependant, in RRR communities' women can become highly visible and community connections may lead to the woman being identified with even limited information disclosed to another party.
- *Cultural Assumptions*: about cultural practices or motives behind forced marriage without a nuanced understanding of the woman's background can further alienate her, reducing trust in support systems. This is particularly important as every woman who is in a forced marriage situation, is unique and viewed as such. The response to her situation, the solutions to safety needs to be carefully managed through processes that challenge assumptions.

In RRR areas, where isolation and limited services are common, it is crucial for responders to ensure that actions are taken in a culturally sensitive, consent-driven, and protective manner to mitigate the risk of harm.

Question 29: What additional supports and protections could be considered to help children to access the proposed legal protections and to assist them through applications, courtroom, and other legal processes? (page 23)

We suggest that to help children involved in forced marriage access legal protections and assist them through applications, court processes, and other legal procedures additional supports and protections should be considered:

1. **Child-Specific Legal Advocacy**: trained in child protection and forced marriage cases to guide and represent children.
2. **Trauma-Informed Support**: tailored to the child's needs, ensuring their voice is heard and respected in a safe, non-intimidating environment.
3. **Culturally Sensitive Services**: that respect the child's background and help bridge any communication or cultural gaps.
4. **Clear and Accessible Information**: about legal processes and rights, using accessible formats for those in rural or remote areas with limited internet access.
5. **Courtroom Protections**: Allowing children to give evidence remotely or in a more supportive setting to avoid confrontation with perpetrators.
6. **Multi-Agency Collaboration**: to provide holistic support, addressing both legal and personal safety needs.

These strategies would improve the protection and support of children in forced marriage situations, ensuring they have the resources and safeguards needed to navigate legal processes effectively.

For further information.

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