

## *Forced marriage is a serious problem in the United States.*

Thousands of individuals – girls and women, as well as boys and men, from diverse ethnic and religious backgrounds – may face forced marriages every year, denied the right to decide whether, when, and whom to marry. In one of the first attempts to quantify the extent of forced marriage in the United States, a 2011 national survey by Tahirih Justice Center identified as many as 3,000 forced marriage cases in a period of just two years.

Forced marriage victims often fall between the cracks in the United States, with dire consequences. Victims can suffer severe and lifelong harm, including physical and mental health issues, barriers to education, and domestic and sexual abuse.

Current laws and resources are inadequate to address the unique challenges associated with forced marriage. Tahirih Justice Center urges action on the following policy recommendations to protect and support those facing or fleeing forced marriages, and to end this human rights abuse in the United States.

### OUR RESPONSE

THE U.S. MUST DEVELOP AND ADOPT A NATIONAL ACTION PLAN IN COLLABORATION WITH ADVOCATES, SURVIVORS, AND IMPACTED COMMUNITIES – TO CONNECT FEDERAL AND STATE AGENCIES, OUTLINE GAPS AND NEEDS, AND DRIVE AND MEASURE PROGRESS TOWARD SPECIFIC GOALS, INCLUDING:

#### *Our Core Priorities*

- ◆ Increase understanding of forced marriage as a form of family violence and abuse, and build the capacity of existing programs to assist victims.
  - ◆ Dedicate funding for new forced marriage-specific resources and programs.
  - ◆ Ensure access to civil protection orders for forced marriage victims.
  - ◆ Strengthen state laws on the age of consent to marry.
  - ◆ Implement safeguards in federal immigration laws for marriage-based visas.
  - ◆ Ensure that criminal justice options are available to forced marriage victims.
- ◆ **Increase understanding of forced marriage as a form of family violence and abuse, and build the capacity of existing programs to assist victims** – An individual facing a forced marriage may have *only one chance* to reach out for help – and if she does not find it, she may have lost her only lifeline. Yet many frontline responders and advocates have little familiarity with forced marriage or understanding about how best to respond. Tahirih’s 2011 national survey found that few agencies had a working definition of forced marriage. Overall, only 16% of respondents felt their agencies were equipped to help, with many of those giving victims “circular referrals” to other agencies. Training is urgently needed to make sure legal and social services agencies, domestic violence and sexual assault advocates, police and child protection officials, and other professionals can swiftly recognize and skillfully respond to forced marriage situations. For example, the National Domestic Violence Hotline and other national hotlines serving victims of violence and exploitation should receive training and funding to build their capacity to handle calls from forced marriage victims. Foundation and government grantmakers should clarify that forced marriage falls within the scope of grants for domestic violence, sexual assault, child abuse, and other forms of violence and abuse.
- ◆ **Dedicate funding for new forced marriage-specific resources and programs** – An NGO-run hotline/textline and clearinghouse for information and referrals should be created for forced marriage victims and their advocates. A national technical assistance provider should be designated to give expert guidance to advocates handling cases.

Funding should be committed to support national efforts to draft model legislation. Community outreach programs should be prioritized, particularly those focused on youth and on teachers and counselors. Funds for programs that provide direct services to forced marriage victims, and that will see a resulting dramatic uptick in appeals for help, are also urgently needed. State-level, multi-sector task forces on forced marriage that include community leaders are also key to generating state-specific action plans and fostering collaborative networks.

♦ **Ensure access to civil protection orders for forced marriage victims** — Civil protection orders — effective tools for preventing or reducing further harm for domestic violence victims, and often more accessible options than pursuing criminal charges — could also offer important protection to forced marriage victims. Yet current state laws often limit who can apply, who can be restrained, what actions justify such orders or are covered by them, and what kinds of terms can be included. These limitations can make a civil option unavailable or unhelpful to forced marriage victims — especially minors, victims facing but not already in forced marriages, and victims who may be taken abroad. State protection order statutes should be modified, or a new kind of protection order should be created, to respond to forced marriage cases.

♦ **Strengthen state laws on the age of consent to marry** — Children and teens face many practical obstacles when they try to resist or escape forced marriages. State laws can also work against them. Before a child reaches the “age of majority” — when the law considers her to have all the rights of an adult — she may be legally unable to take steps to protect herself from a forced marriage. She may not be able to leave home, stay in a shelter, file for a protective order, or even file for her own divorce. Child protective services may also be legally unable to protect a minor from a forced marriage or from an abusive spouse once married. To guard against the personal and social costs of child marriage, most states set 18 as the minimum age of legal consent to marry. But this requirement can often be easily set aside through lax waiver provisions, and in some states a clerk can approve paperwork without any further inquiry, which does little to detect or protect against forced marriages. Even where laws require judges to be involved, very young children have been married. To better ensure full and free consent to marriage, therefore, the legal age to marry should be set at 18 (or above, if the age of majority is higher) in all states, with an exception only for emancipated minors who are empowered to advocate for themselves.

♦ **Implement safeguards in federal immigration laws for marriage-based visas** — While there are often multiple motivating factors behind forced marriages, in some instances a family may seek to leverage the ability of a U.S. citizen son or daughter to sponsor a visa for a foreign fiancé(e) or spouse. To address vulnerabilities and increase access to protection in such cases for both parties, a minimum age requirement of 18 should be enacted for both the U.S. citizen sponsor and the foreign beneficiary of a fiancé(e) or spouse visa application; advisories about forced marriage should be included in the pamphlet about domestic violence and rights and resources for victims that foreign spouses immigrating to the U.S. already receive; victims who have been forced to file immigration applications for foreign spouses should be given a safe and confidential way to obtain information about the status of those applications and steps they can take to withdraw applications before they are granted; and it should be clarified that forced marriage victims are eligible for protections under the Violence Against Women Act for abused immigrant spouses.

♦ **Ensure that criminal justice options are available to forced marriage victims** — In our experience, very few forced marriage victims have any interest in pursuing criminal charges, afraid of the consequences to their families and themselves. Then, too, without a specific forced marriage offense, law enforcement and others may feel they have neither the mandate nor authority to assist victims. So when victims do seek help from police, prosecutors and courts, it is critical that they be able to access protection and justice, and that what they experienced is not excused or dismissed as a “family” or “cultural” matter. Law enforcement should be educated to understand that in all U.S. jurisdictions, forced marriage situations can involve acts or threats that constitute crimes (such as assault, rape, or kidnapping), and also, that forced marriage is a specific offense in 10 U.S. jurisdictions. At the same time, advocates and policymakers need to evaluate whether and where gaps in criminal justice system responses still exist. Finally, before policymakers create any new criminal approaches to forced marriage in the United States, we urge care and caution — and extensive consultation with experts and stakeholders — so as to derive crucial “lessons learned” from the experiences of other Western countries and anticipate and avoid unintended consequences for victims.

## OUR APPROACH

Tahirih launched the Forced Marriage Initiative in 2011 in response to the alarming results of our forced marriage survey and the acute need to mobilize a concerted, national response. We formed the National Network to End Forced Marriage, which includes dozens of diverse members from large and small organizations, and the National Forced Marriage Working Group, which includes forced marriage survivors and other experts. Our policy priorities were developed in extensive consultation with members of both groups and reflect our commitment to a comprehensive policy platform, rather than a single, narrow approach.