

What is forced marriage?

A marriage is forced where one or both spouses marry without freely and fully consenting because of coercion, threat or deception (either directed at the person to be married or another person) or because they could not understand the nature and effect of a marriage ceremony.

A marriage is also forced where one or both spouses are under the age of 16.

What does the law say?

- The *Criminal Code Act 1995* makes it a crime to cause someone to enter into a forced marriage or to marry someone forcibly if they are themselves are not a victim of forced marriage. The penalty can be up to 9 years imprisonment.
- If someone causes a child to be taken overseas for forced marriage, that person could be imprisoned for up to 25 years.
- A marriage can be forced even if it is recognised under the law of a foreign country.
- Under the *Marriage Act 1961*, a marriage is void if it was forced or if a party was not of marriageable age.

Is arranged marriage forced marriage?

Only if either spouse does not freely and fully consent to the marriage.

What legal protection is available to children at risk of forced marriage?

A person concerned with the care, welfare and development of a child, or the child themselves, can apply to the Federal Circuit and Family Court of Australia for a parenting order to stop the marriage occurring, including placing the child on the Airport Watch List.

What legal protection is available to an adult at risk of forced marriage?

A person can apply directly to the Magistrates Court for a Protection or Family Violence Order to stop someone from forcing them into marriage.

To seek an order, they will need to attend the Magistrates Court at 4-6 Knowles Place, Canberra City (Civic) during business hours.

What should I do if someone I know is being forced into marriage?

✓ Report it

Call the Australian Federal Police on 131 237.

✓ Assistance

Contact the My Blue Sky on 02 9514 8115, SMS 0481 070 844 or email help@mybluesky.org.au

✓ Legal advice

For free and confidential legal advice contact the Racial and Religious Discrimination Legal Service Inc on 02 6100 1875 or email admin@racialreligiousdls.org.au

