

Forced Marriage in Immigrant Communities in the United States

National Center for Victims of Crime Conference – Sept. 9, 2013



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The Tahirih Justice Center: *Forced Marriage in Immigrant Communities in the United States*



Tahirih's Forced Marriage Initiative

- Created in 2011 to galvanize a national response to the problem of forced marriage in the US
- Multi-faceted approach:
 - Research (legal and policy, as well as field-based)
 - Outreach and awareness-raising; trainings
 - Developing best practices and practical tools
 - Coalition-building and collaborative problem-solving
 - Drafting recommendations for legal and policy change
 - Providing direct services to individuals facing or fleeing forced marriage situations; technical assistance to service providers nationwide.



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Defining “Forced Marriage”

A marriage that takes place without the full and free consent of one or both parties.

Lack of consent can be caused by an individual being:

- Younger than the legal age to marry
- Subject to some other incapacity or disability
- Subject to force, fraud, or coercion

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



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Does Forced Marriage really happen in the United States??

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

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



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Tahirih Forced Marriage Survey: More Key Findings

- Family motivations varied; “tradition” is major factor
- Victims’ families came from at least 56 countries
 - Most frequently mentioned: India, Pakistan, Mexico, Bangladesh, the Philippines, Afghanistan, Somalia, Yemen
- Religious backgrounds included Muslim, Christian, Hindu, Buddhist, Sikh and others
- Majority of victims are female; many <18 years old
- Victims include US citizens; weddings occur both in United States and abroad



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Survey Showed that Victims Faced A Broad Range of Coercive Tactics

- Very common: emotional blackmail, isolation and control, social ostracism, economic threats, threats of violence.
- Less common, but not rare: immigration-related threats, physical violence, deception, death threats, stalking, kidnapping/forcing abroad, holding captive.



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Survey Showed that Cases Can Be Extremely High-Stakes

- Of respondents who provided info on tactics:
 - Almost half (46%) reported encountering victims who were subjected to actual physical violence.
 - Over a quarter (27%) reported encountering victims who were subjected to death threats.
- 13 respondents reported murder attempts
- 42 respondents reported suicide attempts/
contemplation

Legal and Practical Considerations in Forced Marriage Cases



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Special Vulnerabilities in Forced Marriage Cases

- Individuals tentative about seeking help/taking action:
 - Depression, decision “paralysis”
 - Lack of independence, constrained sense of options
 - Lack of knowledge about US laws/resources that could offer protection
- Fear of consequences to self/family members (particularly siblings)
- Threat is from many sources – potentially extended family/community here and abroad
- Flight risk – victims may be forced to travel and/or left overseas



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Legal and Practical Challenges For Minors

- Lack of knowledge of rights/protections
- Lack of evidence of threat of force or marriage
- Perceived lack of capacity/standing to initiate court action:
 - The minor may not be able to bring herself – may need a guardian or next friend
- Law enforcement defers to rights of parents
- Failure of state law to provide the necessary protection:
 - Narrow definitions of abuse, neglect, CHINS



Additional Challenges for Minors

- Forced marriage cases may not be initially perceived as falling under the mandate of Child Protective Services
- Shelter/alternative housing options may be limited:
 - Shelters general have mandatory reporting to CPS
 - The ability to be removed from the home pending Protective Order or other hearings may be limited
- Risk of repercussions if unsuccessful

Current Legal Framework in the United States – What have we got to work with?

Limited laws/policies directly addressing forced marriage:

- Federal level: US State Department protocols
- State level: Criminal offense in 10 jurisdictions (California, DC, Maryland, Minnesota, Mississippi, Nevada, Oklahoma, Virginia, Virgin Islands, West Virginia)

Our advice – think creatively! Tools used to protect domestic violence, sexual assault, and child abuse survivors can be used in forced marriage cases.

The US State Department Response to Forced Marriage Situations

- Country-specific information on: Afghanistan, Bangladesh, Egypt, India, Iraq, Jordan, Kosovo, Kuwait, Pakistan, Syria, and the United Kingdom
- Challenges:
 - Can only assist US citizens
 - Still developing formal protocols
 - Response varies depending on country conditions
 - Limits to mandate



http://travel.state.gov/travel/tips/safety/safety_5475.html

Potential Legal Options for Individuals Facing or Fleeing Forced Marriage Situations

- Using civil and criminal protection orders creatively (e.g. confiscating passports, mandating school attendance)
- Obtaining an annulment or divorce (if already married)
- Prosecution of perpetrator under existing criminal/family violence laws
- Minors: petition for emancipation, custody or guardianship change; initiate abuse and neglect or child in need of services proceedings; explore foster care/alternative housing options

Caution: Interventions by authorities – if not well planned and executed - can potentially do more harm than good. Be sure to do case specific risk assessment and safety planning!



Protecting Individuals at Risk & Forced Marriage Survivors during Civil/Criminal Proceedings

- Be aware of the risk of multiple perpetrators and future retaliation from immediate and extended family members, and other community members
- Seal filings, records, and court proceedings
- Consider civil or criminal order of protection/exploring if survivor can participate in witness protection program
- Evaluate what additional supports are available (e.g. access to crime victims compensation fund)

Why is Citizenship/Immigration Status Important in Forced Marriage Situations?

- May help assess the type of risks facing the individual (e.g. forced or “reluctant” sponsorship of a visa for a fiancé or spouse from overseas)
- May help identify various legal options available to help protect the individual at risk (e.g. US embassy help if taken abroad; obtaining legal status if they do not have it, or are dependent on their family for status)



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Sauti Yetu:

*A Closer Look at Forced Marriage in
African Immigrant Communities in
New York City*



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Sauti Yetu means “OUR VOICES”

Sauti Yetu is a multi-service community organization dedicated to mobilizing African immigrant women to improve the quality of their lives, strengthen their families and develop their communities.

Sauti Yetu's direct services, public education, and advocacy promotes immigrant girls' safe transitions into adulthood, curbs violence in the family, and gives poor and low income immigrant women access to life skills and leadership opportunities.



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Programs & Services

Sauti Yetu provides culturally and linguistically responsive services in four program areas:

- Violence Against Women and Girls
- African Girls Empowerment Program/GELI
- Children and Family Services
- Preventing Female Genital Cutting



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The Research

Methodology

- Ethnography
 - *Semi-structured interviews*
 - *Participant diaries*
- Participatory Action Research
 - *Focus groups*
- Textual Analysis
 - *Case notes*
 - *Client demographics*

Participants

- 30 West African young women
- Ages 15-21
- 15 unmarried
- 13 married
- 1 unmarried -> married
- 1 separated



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Early Marriage Trends

- Polygamous families
- Age difference in the marriage that is substantial
- Marriage occurs both here and abroad
- There would be implications for the extended family members if the marriage is unsuccessful
- Girls married young and have no support (parents are deceased or they are an unaccompanied minor)
- Marriage occurs with girls not in school/intervention may occur elsewhere ie: hospital
- Marriage is usually consensual on the part of the young woman to escape some other form of abuse
- They have children very early on in the marriage
- When they are married under 18 they may have previously met their spouse



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Why is the decision made?

Family/ Community

- Stability and secured future for child and grandchildren
- Prevention of any behavior that might embarrass the family
- Securing bonds with other families
- Support in old age

Girl

- Stability and secured future
- Increased stature in the family and community
- Peer pressure
- Increased freedom of movement
- Staying in good graces of family and community
- Extensive support with child rearing and household duties/events



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How is the decision made?

- Families may make the initial choice of a potential spouse
- The young woman may have a say on whether she likes the man or not
- The young woman may have the option of choosing a spouse as long as he meets the parameters of the family



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Immigration changes things...

- The threat of “American-ization” adds more incentive
- Decisions are made transnationally
- Marriage used as an immigration tool and a factor in spouse choice
- Poverty complicates the decision to marriage



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Risk Factors

- Country of Origin, date of arrival, urban vs rural, and level of acculturation
- Family history (polygamy, early marriage, age difference between parents)
- Little support or family/community connection (unaccompanied minor)
- Pattern of behavior problems
- Lack of concrete future plans
- Idealized view of marriage
- Economic status of household



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Sauti Yetu's Response



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What do the girls want?

- Education
- Postponed marriage
- Some independence
- Family & community approval
- ...it all



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Where do the girls go for help?

- Teachers
- Family Allies
- Youth organizations
- Hospitals



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Look Beyond the Marriage

- Is this really a housing issue? An immigration issue? An issue of income? A parenting issue?
- Relieve pressure to marry by addressing the real issue



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Ask the Right Questions

“They don’t know my culture. They think I can just say no and it’s that easy.”

–Binta (age 16)

- 18 doesn’t change things
- If she is married, her health, social, educational, and economic needs are different
- Assess the family relationships



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Use the Community

- Find an ally within the family or community
- Family mediation to negotiate best interests
- Parents are not always the enemy
- Find out who is making the final decision



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Promote Future Plans

- Secondary education most strongly associated with reduced prevalence of child marriage
- Decisions of whether or not to consent to marriage depend largely on the prospects young women see for their futures



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A marriage might already be in process if...

- Travel date to Country of Origin set (especially at odd time)
- Change in family dynamic
- Wishful statements beginning with, “If you were married...”
- Sudden interest in girl’s appearance
- Buying expensive cloth or clothing
- Encouraged to communicate with an older man frequently
- Change in income



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Keep in mind:

- She may not always know she is getting married
- If she does know, she may not tell you
- She may already be married and be keeping a secret



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Case Scenarios



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Adama's Story

- You have student in your school who has been there since the start of the school year named Adama (age 17). She registered for school as an over-the-counter or walk-in student with her legal guardian - a man that she calls her uncle.
- Adama believes she is pregnant and asks you to help her find a doctor. In your discussion with her, she discloses that her guardian is actually her husband.



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Hamida's Story

- Hamida is a junior in high school who was just told by her family that they are going to be traveling to Pakistan in late June, so she can marry her cousin. Hamidaa has only met her cousin once, and does not want to marry him. Also, he is 15 years older than her.
- Hamida's older sister was married to man from her parent's hometown in Pakistan three years ago, when she was nineteen. Her sister had been dating someone a college in the US; when her parents found out they took her on a "trip" abroad that summer, and she came back married.



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Hamida's story

- Hamida has repeatedly told her family that she does not want to marry her cousin. However, her family told her that she has no choice and that if she does not obey, they will leave her in her father's hometown in rural Pakistan. They also threatened to disown her if she does not follow the family's wishes and marry her cousin.
- Hamida told her school counselor about her fears and the counselor reached out to you for assistance.



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To sign up for the:

National Network to Prevent Forced Marriage & Forced Marriage Newsletter

email FMI@tahirih.org, or visit:

[www.tahirih.org/advocacy/policy-areas/
forced-marriage-initiative/](http://www.tahirih.org/advocacy/policy-areas/forced-marriage-initiative/)



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