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COALITION
TO END CHILD
MARRIAGE

Testimony of Rima Nashashibi, Founder and President of Global Hope 365 in support of HB 62, as amended, presented to the Alaska Senate Health and Social Services Committee.

Honorable Chair David Wilson, and distinguished members of the Committee,

My name is Rima Nashashibi. I am the founder and President of Global Hope 365. This testimony is intended to urge you to support **HB 62, as amended**, and even to go one step further to protect the children of Alaska by raising the minimum age of marriage to 18, no exceptions.

Global Hope 365 is a 501(c)3 nonprofit corporation dedicated to improving the lives of women and girls, locally and nationally, by advocating for their safety through raising awareness, education, and empowerment. Our focus is on ending harmful practices towards women and girls such as child marriage, human trafficking, and other forms of gender-based violence.

HB 62, as amended is legislation that harms no one, costs nothing, and ends this specific form of child abuse, namely child marriage. Child marriage can be tied to human trafficking or sexual exploitation, to exploitation of children for the abuse of marriage-based immigration laws, shield parents who are abusive, neglectful, or unfit from investigation, and/or give parents a way to avoid further responsibility for a child.

Child marriage remains a serious problem in present-day America. **Between 2000 and 2018, well over 300,000 minors were married, mostly girls married to adult men.** In about 88% of those marriages, the marriage license became a “get out of jail free” card for a would-be rapist under state law that specifically allowed within marriage what would otherwise be considered statutory rape.

Children lack the rights, knowledge, and resources of adults and are more vulnerable to coercion and exploitation. As a result, many child marriages are forced marriages, and/or are cover-ups for other abuse and exploitation and crimes such as statutory rape and human trafficking. In addition, a number of child marriage survivors we work with indicated that “Parental Consent is Parental Coersion”.

Statistics and Findings Regarding Child Marriage

- Young women and girls ages 16-18 face intimate partner violence victimization rates almost three times the national average.
- The majority (70%-80%) of child marriages end in divorce.

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- Minors who marry early are more likely to discontinue their formal education prematurely, earn low wages, and live in poverty.
- Girls who marry early are 50% more likely to drop out of high school and four times less likely to graduate from college.
- Minors are more likely to suffer abuse (both mental and physical) by their husbands, and are also more likely to suffer from mental health problems. In fact, Elizabeth a child marriage survivor we work with, indicatedd that she still has nightmares and is in counseling. She is over 50 years old now.
- Married minors, because they are still children in the eyes of the law, do not have the same legal rights that adults have, which means that if they desire to leave abusive relationships, they are often unable to initiate divorce proceedings in their own name, go to a shelter, or leave their homes.
- Advocates and researchers have found that sexual assault and rape can be not only a consequence, but also a cause of forced marriage.

Interlinkages of Child Marriage and Human Trafficking

The Trafficking Victims Protection Act (2008) defines severe forms of sex and labor trafficking as follows: “[when] a commercial sex act is induced by force, fraud, or coercion, or [when] the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (U.S. Department of State, 2015). This definition of sex trafficking, but not of labor trafficking, was incorporated into the Violence Against Women Act during reauthorization in 2013.

Even though forced sex within a forced marriage is not a “commercial sex act”, as defined by federal trafficking laws, arguably “human trafficking” can describe some forced marriage cases. Elements of forced labor may also be present, particularly in cases of servile marriage.

The forced sex within the marriage may be considered “services”, and, in fact, **not only does Florida’s human trafficking statute list “forced marriage” in the “services” definition, of the eight states that have specific criminal laws against forced marriage, two of them codify that provision within their human trafficking statute.**

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Morgan Meadows, survived years of abuse at the hands of both of her parents and the husband they chose for her at age 16. Meadows escaped the marriage at age 29, and is now an anti-trafficking advocate in Wisconsin. According to Morgan: “When I was 16, my parents entered into a marriage agreement with my first husband, who was 10 years older than I. Since I was trafficked between the ages of 3 and 23, this arranged marriage was simply one more event in which I was required to “be obedient to my parents,” as this Biblical injunction was often touted. My step-father had facilitated my entry into being trafficked for experimentation, pornography, prostitution, and domestic labor until I was effectively passed to the man who became my legal husband.”

The **American Medical Association** has called for an end to child marriage stating: “Child marriage is associated with higher rates of sexually transmitted infections, early pregnancies, divorce, and intimate partner violence than women married at age 21.” In addition, those in a child marriage are subject to a higher rate of infant and maternal mortality.

In the words of a State Department document published in 2016, the U.S. Department of State has denounced child marriage as a human rights abuse in other countries which contributes to economic hardship. What about our country and our kids?

HB 62, as amended, harms no one, but saves our children from this type of child abuse and exploitation. I implore you to **please vote in favor of HB 62, as amended, and go one step further by raising the minimum age of marriage to 18, no exceptions.** Holding firm on the minimum age of marriage to 18, no exceptions has the effect of protecting those who are most vulnerable to being forced or coerced into marriage, namely children. You have within your power the ability to make Alaska a national leader in child protection, joining a growing number of states and territories that have eliminated child marriage in the past five years.

Respectfully submitted,

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The Intersectionality of Forced Marriage with Other Forms of Abuse in the United States

Casey Swegman, Tahirih Justice Center Forced Marriage Initiative

In the United States, forced marriage can impact individuals of any gender, age, socio-economic status, ethnic or religious background. In a 2011 survey, service providers in the U.S. (primarily legal and social services agencies in the domestic violence and sexual assault field but also including law enforcement, school and university staff, counselors, and other legal professionals) reported encountering as many as 3,000 known or suspected cases of forced marriage over a period of just two years (Tahirih Justice Center, 2011).

Applied Research papers synthesize and interpret current research on violence against women, offering a review of the literature and implications for policy and practice.

VAWnet is a project of the
National Resource Center on
Domestic Violence.

Disclaimer regarding the use of gendered language: While all victims of forced marriage deserve effective advocacy, protection, and support, the overwhelming majority of forced marriage survivors encountered by service providers are women and girls. Forced marriage is a gendered social problem, with women being disproportionately targeted and harmed. For that reason, adult survivors are often referred to as “women” and “she/her” in this paper. This is not meant to minimize the experiences of men and transgender individuals impacted by forced marriage or exclude those experiences of survival from the broader dialogue about this issue in the United States. Additionally, this paper as a whole focuses on marriages forced by family members; however, partner and predator-forced marriages have also been encountered by advocates and can relate to dating violence.

Introduction

A forced marriage is one that takes place without the full and free consent of one or both parties and typically involves force, fraud, or coercion. In the United States, forced marriage can impact individuals of any gender, age, socio-economic status, ethnic or religious background. In a 2011 survey, service providers in the U.S. (primarily legal and social services agencies in the domestic violence and sexual assault field but also including law enforcement, school and university staff, counselors, and other legal professionals) reported encountering as many as 3,000 known or suspected cases of forced marriage over a period of just two years (Tahirih Justice Center, 2011). Forced marriage can happen for many reasons, and the motivations are often complex and varied. A common justification is adherence to community norms, custom or tradition, and the desire to preserve these elements through control over whether, when, and whom a person marries. Sometimes a marriage is seen as necessary to prevent any behavior that might bring shame or dishonor to the family, such as dating outside one’s community, engaging in sexual activity, or becoming “too westernized.” Immigration or economic reasons can also be factors.

Forced marriage is distinct from arranged marriage, “where the families of both spouses take a leading role in arranging the marriage but the choice whether to accept the arrangement remains with the individual” (U.S. Department of State Foreign Affairs Manual, 2005). It is important to note, however, that simply accepting the idea of being married is not the same as full and free consent. Consent also requires that an individual approves of the timing of the marriage and the marriage partner, and will not face significant repercussions from rejecting the arrangement made on their behalf. Such repercussions can include relentless emotional and psychological abuse, being ostracized by family and community, and threats of violence.

Forced marriage is a serious but neglected problem in this country, and despite many advocates’ best efforts, survivors of forced marriage and those at risk continue to fall through the cracks of the systems and programs set up to protect individuals from abuse. Also distressing is the fact that “the United States is lagging far behind other industrialized countries in their efforts to prevent early and forced marriage as well as [to] establish protocols to support victims” (Bangura, Tran, & Schermerhorn, 2012).

Forced marriage is form of violence against women in its own right, even when sexual violence and other forms of harm and abuse are not present. When a woman feels she had no real choice when it came to marriage, she has suffered a loss of power and control over her own life. More often than not, however, forced marriage is just one part of a spectrum of other harms that a woman who is forced to marry may face in her lifetime. In fact, forced marriage can lurk behind the issues that first present themselves: “...advocates speak to many women who are facing domestic violence, abuse and/or sexual assault in their marriage. Only later in these conversations does it emerge that the conditions upon which they may have been married were under duress, pressure and ultimately against their will” (Roy, 2011). For service providers and survivors alike, it is critical to recognize and understand these links and to connect the dots between the mechanisms of power, control, and coercion that

may precede a forced marriage, and the forms of abuse that can follow it. With this increased understanding of historic and related trauma, it is more possible to effectively identify opportunities for safety and healing.

While there is a slowly growing recognition of this interrelationship, there remains a need for an evidence-based examination to make clear the connection between forced marriage and other forms of violence and abuse, including child abuse, sexual assault, domestic/family violence, stalking, female genital mutilation/cutting (FGM/C), and human trafficking. Much of what we know about forced marriage in the U.S. is informed by research studies and surveys, as well as the growing experiences of domestic violence service providers who are attuned to the problem, such as the Tahirih Justice Center’s Forced Marriage Initiative, which has handled well over 150 calls for help since its inception in 2011. Without a fuller understanding, we will continue to overlook forced marriage as a manifestation of violence against women, as well as its intersectionality with other forms of violence. This will result in continued failure to identify, let alone assist, victims of forced marriage. The consequence of this narrow vision is an alarming lack of legal protections and specialized resources - including advocates trained to provide intensive safety planning, privacy protection, emotional support and triage for individuals facing imminent travel abroad - for forced marriage survivors who often have no other safety net.

Child Abuse

While the exact definition of child abuse and neglect varies from state to state, the Federal Child Abuse Prevention and Treatment Act defines child abuse and neglect as: “any recent failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm” including physical abuse, sexual abuse, emotional abuse and neglect, with neglect including failure to provide necessary education (Definitions of Child Abuse and Neglect).

There is a direct link between child abuse and forced marriage. The U.S. Department of State, for example, “considers the forced marriage of a minor child to be a form of child abuse, since the child will presumably be subjected to non-consensual sex” (Foreign Affairs Manual, 2012).

While not all forced marriage cases involve minors, the results of several surveys and studies have indicated that a substantial number of victims are minors. Many respondents to the Tahirih Justice Center survey, Forced Marriage in Immigrant Communities (2011), indicated that they had encountered victims under the age of 18, and 41% of respondents in a Gangashakti survey discussed issues of child protection when asked about case characteristics (Sri and Raja, 2013). A study by Sauti Yetu of forced and early marriage in African immigrant communities in New York City found that 40% of their youth population was married, engaged, or promised, and that “of the 30 [study] participants...all but two faced pressures to marry or were already married before the age of 18” (Bangura, Tran, & Schermerhorn, 2012). The South Asian Legal Clinic of Ontario (SALCO) conducted a study on forced marriage in Canada and found that 10% of victims were between the ages of 12-15 and 25% of victims were between the ages of 16-18 (Anis, Konanur, & Mattoo, 2013). In the United Kingdom, at least 22% of calls for help to the Forced Marriage Unit in 2014 involved victims under the age of 18, with victims as young as 2 being reported (UK Forced Marriage Unit, 2014). Minors are also invariably among the most vulnerable victims that service providers encounter, with the fewest legal and practical options to resist a forced marriage or leave a marriage after it has occurred.

Advocates in the United States differ with respect to whether child marriage can be directly equated with forced marriage. However, recently uncovered data on marriage statistics in New York, New Jersey, and Virginia expose a disturbing picture of just how likely it is that many such marriages lack any meaningful consent. Between the years 1995 and 2012, more than 3,400 children were married in New Jersey. Most of those individuals were 16 or

17 years old at the time of their marriage, and 178 were between 10 and 15 years old. “Shockingly, 91 percent of the children were married to adults, often at ages or with age differences that could have triggered statutory-rape charges...[including] a judge in 1996 [who] allowed a 12-year-old girl to marry a 25-year-old man” (Reiss, 2015). The data from New York show that more than 3,800 children were married between 2000 and 2010 (Reiss, 2015). In Virginia, over 4,500 individuals under the age of 18 (and as young as 13) were married between 2004 and 2013; nearly 90% of those marriages involved an adult spouse; more than 30% of those spouses were 21 or older, and some were decades older – including 13 children under age 15 who were married to spouses more than 20 years older (Child Marriage in America, 2015).

While some young people may willingly and lovingly enter into a marriage with an age peer, a child or teenager being forced into marriage by her family may be subjected to multiple coercive tactics that, taken together, amount to child abuse. Such tactics can include “...taking her out of school, depriving her of food, imprisoning her in a room at home, cutting off her social ties and networks...[and] in worst case scenarios, parents or family members may physically abuse and torture her until she agrees to the marriage” (Roy, 2011). Other abusive tactics family members may employ include emotional blackmail, economic threats, and even death threats (Tahirih Justice Center, 2011). Parents have threatened to sue allies of victims for interfering with their parental rights, reported victims as runaways, claimed that victims have committed crimes to mobilize law enforcement help to locate and return a victim home, and claimed that victims are mentally unstable, even attempting to have them committed to psychiatric facilities.

A minor threatened with forced marriage “may feel unable to go against the wishes of their parents or wider family members and be threatened with disownment if they do – consequently they may suffer emotionally, often leading to depression and self-harm” (UK Multi-agency Practice Guidelines, 2014). The American Bar Association Commission

on Domestic and Sexual Violence, examining research by Tahirih Justice Center and Gangashakti, noted a similar connection between victims' feelings of despair and betrayal and manifestations of severe depression and self-harm, including attempted suicide and suicide (American Bar Association, 2014). In fact, suicide is now the leading killer of teenage girls worldwide (WHO Report, 2015) and prominent researchers and advocates have drawn a connection to gender discrimination and, in particular, forced marriage. "You see girls excluded from education, forced into marriage, being victims of violence, abuse, trauma, social isolation...putting them at higher risk for suicide" (Brink, 2015). In fact, child marriage, whether or not it is brought about through force or coercion, is associated with poor mental health outcomes in the U.S. A study released in 2011 of nearly 25,000 women, more than 10% of whom had married before the age of 18, found higher rates of both lifetime and 12-month psychiatric disorders among those who had married as children (Le Strat, Y., Dubertret, C., & Le Foll, B., 2011).

In the case of a minor, the harms that follow a forced marriage also amount to child abuse. "Forced marriage can have a negative impact on a child's health and development, and can also result in sexual violence including rape" (Child Protection Project). Forced consummation of these marriages is common and "some reports of sexual abuse include parents locking their children in the bedroom, not allowing them to use the bathroom or leave the room until they consummate the marriage" (Sri and Raja, 2013, pg. 21). In addition, children forced into marriage are often absent or withdrawn from school, resulting in the loss of educational access and opportunities as well as compromised personal development (Welstead, 2009; Sri and Raja, 2013; UK Multi-agency Practice Guidelines, 2014). Due, among other reasons, to significant power imbalances in the relationship, a child forced into marriage is also vulnerable to ongoing emotional and/or physical abuse from their spouse and could potentially face unwanted pregnancy or forced abortion (Child Protection Project). Medical care or other basic necessities may also be withheld, whether to underscore control over the child, reinforce their

dependence, punish them for any resistance, or limit their contact with others (Tahirih Justice Center, 2011).

Nevertheless, state child abuse laws and response protocols often focus primarily on physical injury and do not encompass the full range of coercive threats and emotional abuse common in forced marriage cases. They also may require a level or imminence of harm, or a direct causation between emotional abuse and a resulting psychological disorder that may be hard for victims or their advocates to prove. Most states limit the ability of a minor to obtain a protection order for themselves, and may require a parent to bring the petition. In some states, marriage does not automatically emancipate a minor, and un-emancipated minors often also lack legal capacity to file for their own divorce. These limitations pose special obstacles for minors seeking help. While child protection authorities could themselves seek protection orders for children, they often do not consider the threat of forced marriage as within their mandate. After a forced marriage happens, child protection authorities are constrained by a limited mandate to investigate abuse and neglect by parents, not spouses. In addition, youth who are older than 16 – an age when individuals are at particularly high risk of forced marriage – often fall between the cracks of child protection. Many factors contribute to this systemic failure, including the extremely limited resources of child protection programs in most states, conflicting laws regarding the autonomy and rights of adolescents, and the tendency of those in authority to dismiss claims made by older children due to preconceptions about their behavior and or the standing of the alleged perpetrator.

When child protection authorities do initiate an investigation it may increase the level of threat a child is facing if she is not removed from the home and no other protective steps are taken. When parents are alerted to the fact that their child has reached out for help, plans for taking them overseas to be married can escalate quickly, making a comprehensive understanding of possible international dimensions in each case critical (American Bar Association, 2014).

Further limiting the options a minor has to avoid or escape a forced marriage is the fact that some state laws include licensure requirements that bar adult domestic violence and homeless shelters from accommodating minors and impose other requirements limiting the time minors can remain in youth shelter, or require staff at youth shelters to notify parents within hours of the minor's arrival. Some states also have laws that expressly prohibit the "harboring" of runaway youth or have related criminal charges that can be used against someone trying to help a minor victim of forced marriage (American Bar Association, 2014).

Sexual Assault & Rape

While there are varying definitions of sexual assault across states and federal agencies, the U.S. Department of Justice definition encompasses "any type of sexual contact or behavior that occurs without the explicit consent of the recipient [including] forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape" (2015). Non-consensual sexual conduct and behavior may follow a non-consensual marriage, and there may be added dimensions to this trauma in cases where a forced marriage may be used by families to "cure" or "mask" that an individual is LGBTQ (Roy, 2011; Tahirih Justice Center, 2011). However, what advocates and researchers have also found is that sexual assault and rape can be not only a consequence - but also a cause - of forced marriage.

According to the UK Government's multi-agency practice guidelines for handling forced marriage, a woman or girl that discloses sexual abuse or rape may be at heightened risk for a forced marriage as "families may feel that this has brought shame on her and ensuring she is married may be the only way to restore 'honour' to the family. They may also feel that marriage will put a stop to the abuse" (2014). Advocates in the United States have also encountered this paradox when working with clients whose families believe "that marrying her off will help protect her reputation as well as that of her family since the childhood sexual abuse may bring a

sense of shame upon her and the family and put into question her sexual purity" (Roy, 2011).

Less common are circumstances where individuals are forced to marry their perpetrator or rapist. This also manifests in response to the perception that the individual's honor or purity has been damaged and that shame has been brought upon her family as a result of the rape or sexual assault. These cases often occur in cultural contexts where "a family's perceived honor is inextricably linked to the daughter's virginity prior to marriage" (Alanen, 2012). However, given emerging evidence that likely thousands of children have been married to much older spouses under "pregnancy exceptions" to minimum age of consent laws, combined with the fact that "adolescents who are sexually active at a young age are more likely to have experienced coercive sex" (Glosser, Gardiner, & Fishman, 2004), cases where child rape victims who become pregnant have been coerced to marry may be more common than service providers are currently trained to recognize.

Rape is also a tragically common consequence of forced marriage, and can continue to occur throughout the marriage (2014). In the U.S. based Gangashakti study, 24% of respondents reported coming across rape as a consequence of forced marriage (Sri & Raja, 2013). In Canada, 26% of respondents to the SALCO forced marriage study reported sexual violence as a type of violence present in the forced marriage cases they had worked on (Anis, Konanur, & Mattoo, 2013). And in the UK, Karma Nirvana, an NGO set up to respond to cases of forced marriage and honor crimes, reported that 10% of callers reaching out about forced marriage made reference to having been raped (Karma Nirvana, 2008).

Unfortunately, in many of these instances the loved ones an individual would typically go to for help and support will instead turn a blind eye, and, in some cases, normalize or excuse the rape. In one such instance, a UK woman who was taken on a trip to Pakistan by her family at age 18 was forced into marriage and on her wedding night, she was raped.

When she disclosed the rape, her mother responded by telling her, “it’s the husband’s prerogative if he wants to have sex” (Forced marriage: the survivors’ tales, 2015).

Underscored by the child marriage statistics from New York, New Jersey, and Virginia, it is clear that when it comes to minors, state laws contradict one another with regard to marriage and rape. “While a state’s sex-offense law may deem that a 15-year-old girl lacks, per se, that requisite maturity to lawfully consent to engage in sexual acts... without triggering statutory rape charges (regardless of whether her parents consent), that very same state’s marriage law may simultaneously deem her sufficiently mature to lawfully consent to marry a fifty-year-old man (with her parents’ consent) and then proceed to consummate the marriage” (Alanen, 2012).

Sexual assault and rape can cause severe psychological and physical harm to any individual, and for an individual trapped in a forced marriage, the harm can be sustained and multiplied because the violations are repeated and because they must share their home with their rapist. Given the stigma that exists around sexual violence, rape, and forced marriage, many survivors are reluctant to speak openly about their experiences or to recognize forced or coercive sex as rape if it occurs within a marriage. The fact that, for many forced marriage victims, reporting a rape would also entail admitting their own parents’ complicity, only heightens the reluctance to disclose.

Domestic/Family Violence

Domestic violence is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. According to the U.S. Department of Justice, domestic violence can include physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone (2015).

The U.S. Family Violence Prevention and Services Act defines family violence as any act or threatened act of violence, including any forceful detention of an individual, that: (a) results or threatens to result in physical injury; and (b) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing (2010).

The forms of abuse, coercion, intimidation, pressure, and fraud that are employed against victims of forced marriage are often indistinguishable from the forms of abuse and control utilized by perpetrators in domestic and family violence contexts. Similar to child abuse and sexual assault, domestic and family violence can both precipitate and follow a forced marriage. Such tactics are often employed both to force an individual into an unwanted marriage, and to prevent them from being able to leave the marriage after it occurs. What complicates these cases and makes them unique is the wide web of perpetrators, including extended family and community members that are often involved in pressuring an individual to marry. The actions of such individuals are often not encompassed by state domestic violence or family violence laws, including protection order statutes, if the person or persons are not closely related to the victim and do not currently live or have never lived with the victim.

“Forced marriage often involves a parent or other family member’s abuse of power and control over an individual to ensure that the marriage occurs. Physical, psychological, sexual, financial and emotional abuse can be leveraged against the individual to coerce them to marry, and domestic violence, rape, and other harms...can occur within the forced marriage itself” (ABA Resolution, 2014). In the Gangashakti study, “the overlap between domestic violence and forced marriage was a reoccurring theme reported by frontline responders,” and many stated they had seen cases of forced marriage where the family and the community became hostile or coercive towards a victim (Sri & Raja, 2013). That same study also revealed that

once married, individuals may face multiple levels of victimization and various forms of abuse including domestic violence, sexual abuse, and physical violence. Of the 524 individuals who were surveyed, approximately half reported coming across domestic violence (54%), including emotional violence (55%) and physical violence (51%), and almost one-third (35%) of respondents reported that financial and economic abuse was present in the cases they had encountered.

Sauti Yetu came to a similar conclusion in their study, noting that “the coercion and power dynamics of early and forced marriage are also similar to those of domestic violence or other forms of violence against women and girls” (Bangura, Tran, & Schermerhorn, 2012). Researchers at the John Jay College of Criminal Justice found that families imposed marital choices on their children “through coercion, emotional abuse, psychological pressure, kidnapping, trickery, physical violence or the threat of violence...” (Anthony Marcus, et al., 2014).

The Tahirih Justice Center survey also revealed troubling and complex domestic and family violence dynamics in many forced marriage situations. Respondents to the survey indicated that victims they had encountered were subjected to multiple, and sometimes severe, forms of force, fraud, or coercion. The following were identified as very commonly used or threatened against victims:

- emotional blackmail (e.g., a parent threatens self-harm or asserts that the family’s or individual’s reputation will be ruined if they resist the marriage);
- isolation tactics (e.g., the family severely limits the individual’s social contacts or ability to leave the home, or the individual is not allowed to go to school);
- social ostracization (e.g., threatening that the individual will be an outcast in their community);
- economic threats (e.g., the family threatens to kick the individual out of the house or withdraw financial support); and/or

- threats of physical violence (this includes threats against the victims, others they care about, and those trying to help them).

Respondents also provided information on less common - but still not rare - tactics used or threatened against forced marriage victims including immigration related threats, deception and tricking, death threats, kidnapping/forcing the individual to travel abroad, and holding the individual hostage or physically restrained. Cases involving serious bodily injury to the victim, situations where food or medical care was withheld, as well as instances where a marriage certificate was forged were also reported. In addition, a few respondents had encountered cases where the victim was drugged/incapacitated or threatened with having their children taken away (Tahirih Justice Center, 2011).

While the family violence definition provided by the Family Violence Prevention and Services Act is relatively broad, resources such as funding for shelters and hotlines under the Act continue to focus on prior physical injury rather than extreme coercion, fraud, manipulation, or threats of future harm. Similarly, while the Violence Against Women Act contains some definitions and provisions that enable programs to help a broader range of victims, it expressly and repeatedly directs the vast majority of its programs and funding to victims of “domestic violence, sexual assault, dating violence, and stalking.” Other laws at the federal and state levels to protect and serve victims of domestic and family violence have similar definition and purpose limitations. Unless agencies and advocates alike recognize forced marriage as a form of violence against women in its own right and see the similarities and intersections between domestic violence, family violence, and forced marriage, those facing this serious form of harm will continue to fall through the cracks and find themselves just out of reach of the resources and expert service providers that could assist them.

Stalking

While legal definitions of stalking vary from one jurisdiction to another, the federal Violence Against

Women Act defines stalking as conduct with the intent to kill, injure, harass, or intimidate another person which results in reasonable fear of death or serious bodily injury to themselves, an immediate family member, spouse or intimate partner or causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress. The definition also includes conduct with the intent to place under surveillance with intent to kill, injure, harass, or intimidate another person, using the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce (US Code §2261A, 2013). Stalking behaviors can include:

- Following an individual or being present wherever they are;
- Sending unwanted gifts, letters, cards, or emails;
- Monitoring of phone calls or computer use;
- Using technology to track an individual's whereabouts;
- Driving by or hanging out at an individual's home, school, or work;
- Contacting friends, family, neighbors or co-workers to find out information about an individual; and/or
- Posting information or spreading rumors on the internet, in a public place, or by word of mouth (Victims of Crime, 2012).

In a forced marriage situation, family members may use stalking behaviors such as monitoring a victim's actions, relationships, and whereabouts as a tool of power and control and to create a severe sense of isolation and hopelessness. Nearly a quarter of those respondents to the Tahiri Justice Center survey who provided information on tactics reported that victims had been stalked by family members, and 106 respondents reported victims were subjected to isolation by perpetrators (Tahiri Justice Center, 2011). "Families may employ a wide range of tactics to force the marriages to occur...including restricting or monitoring movements or communications, or preventing an individual from going to school or work" (ABA Resolution, 2014).

This kind of "family and community surveillance" can occur before a woman is forced into marriage as a way to make her feel she has no safe way to resist or seek help, and leaving her with the sense that "there may be no alternative but to submit to [her] families' wishes regarding marriage" (Sri & Raja, 2013). Stalking often continues following the marriage in order to restrict the survivor's independent mobility and privacy, again with the intent of limiting her ability seek help. Even if a survivor manages to escape a forced marriage, the same networks of perpetrators and co-conspirators can continue to stalk her and locate her whereabouts in order to harass, manipulate, intimidate and, on rare occasions, enact retribution.

Stalking can be a difficult type of harm for a survivor to name when the perpetrators are her family and community members and the behaviors are commonly accepted. It can likewise be challenging for service providers who are attuned to stranger or former intimate partner stalking to detect. An individual may often naturally find herself in close proximity to family and community members who are taking advantage of that proximity to monitor and control her personal interactions, communication, and movement. Certain behaviors such as a parent, sibling, or spouse accompanying an individual to their doctors' appointments or regularly stopping by their place of work may appear to be caring, rather than controlling, at first glance. However, the "power of consistent isolation is underestimated and becomes a significant enabler of forced marriage. Restricting the movement of the victim, carefully controlling who he/she interacts with, enforcing early curfews and minimal interaction with the outside world ensures a lack of awareness" (Sri & Raja, 2013). This lack of awareness and in some cases, family-instilled fear and distrust of outside resources, combined with an extremely restricted ability to build a network of personal support outside the family or community, creates a fear in the survivor that resisting the forced marriage and leaving home may lead to a worse outcome than submission.

Stalkers are also increasingly misusing a variety of telephone, surveillance, and computer technologies

to harass, intimidate, coerce, and monitor individuals (NNEDV High Tech Stalking, 2009). Likewise, technology is increasingly being used to monitor the communications of forced marriage victims, track their whereabouts, and harass them in order to cause emotional distress and reinforce the fear that any act of help-seeking in regards to the forced marriage – whether it is a phone call to a local domestic violence agency that is discovered on a survivor’s phone, a clandestine meeting at a school counselor’s office that is witnessed by a sibling at school, or an email to a co-worker disclosing her circumstances -- will be discovered. The fear of retribution upon being caught seeking help can be paralyzing, and mean that even if a victim reaches out, she may only feel able to do so once. Respondents to the Gangashakti survey reported that “the fear of being disowned, beaten, and being ostracized by their families was reported as influencing their [survivor’s] decision to cope with a forced marriage.” The authors also noted that respondents observed “a willingness among some individuals to forgo individual choice and control over their own life...even in cases where it results in living with abuse” (Sri and Raja, 2013).

Those who make the choice to resist or leave a forced marriage often face a barrage of messages via email, social media, text message, and voicemail ranging from pleading and apologetic to threatening and belligerent. Gifts and letters may be sent to their workplace or new residence in an effort to persuade them to return or as a threatening reminder that their perpetrators continue to know where they are and could reach them at any time. These forms of stalking can cause a great deal of emotional distress and can often wear down a survivor to the point where she feels she has no choice but to return home to submit to the marriage

Female Genital Mutilation/Cutting

The World Health Organization (2014) defines female genital mutilation/cutting (FGM/C) as “all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons” and classifies FGM/C into four major types:

- Type One (Clitoridectomy) - partial or total removal of the clitoris and/or the prepuce;
- Type Two (Excision) - partial or total removal of the clitoris and the labia minora;
- Type Three (Infibulation) - narrowing of the vaginal opening through the creation of a covering seal, which is formed by cutting and repositioning the inner or outer labia, with or without removal of the clitoris;
- Type IV - all other harmful procedures to the female genitalia for non-medical purposes, for example: pricking, piercing, incising, scraping and cauterization.

These procedures have no health benefits, and the United Nations and the World Health Organization recognize FGM/C as a human rights violation. FGM/C is usually done at a young age, from infancy through young adolescence. However it can take place at any age, and individuals may be at risk of FGM/C before or after a marriage.

FGM/C is practiced worldwide including many countries in Africa, the Middle East and Asia, as well as many communities in North America, Europe and Australia (UNICEF, 2013). Recent research estimates that over 500,000 individuals living in the United States have undergone or are at risk of FGM/C (Population Reference Bureau, 2015).

In 1996, Congress enacted legislation criminalizing the performance of female genital mutilation in the United States on anyone under 18 and made the act punishable by 5 years in prison (Title 18 §116). In January 2013, President Barack Obama signed the “Transport for Female Genital Mutilation” Act, criminalizing the transport of girls abroad for the purposes of FGM, a practice commonly referred to as “vacation cutting” (Sanctuary for Families, 2013). In addition, 26 states have laws prohibiting FGM/C, 7 of which have provisions specifically addressing “vacation cutting” (Equality Now Factsheet, 2015).

While not all individuals who face forced marriage are also at risk of FGM/C, forced marriage can at times both necessitate and guarantee imminent

FGM/C, and a survivor of forced marriage may have already experienced FGM/C in her lifetime.

There is admittedly little statistical data or research on the topic of FGM/C in a U.S. context. Researchers at Westat who conducted an exploratory study on measurement methods used to track incidents of honor violence in the United States noted that “it was particularly challenging to identify cases of female genital mutilation in the United States, most likely because the practice is highly secretive and may involve ‘vacation cutting’...” (Helba, Bernstein, Mariel, Leonard, & Bauer, 2014).

Internationally focused research on FGM/C is much more widely available. According to the World Health Organization (2014), in many contexts FGM/C is considered necessary to prepare a girl for marriage. This analysis can be applicable in our context as “typically, girls in the U.S. are most affected by FGM if they are part of a community originally from a country where FGM is prevalent” and “the motivations underlying vacation cutting are largely similar to those used for FGM in the countries to which girls are sent” (Pyati & De Palma, 2013).

The UK’s Forced Marriage Unit guidelines make specific mention of FGM/C, noting that “in certain communities, it is considered important that women undergo female genital mutilation (FGM) before being able to marry – usually this will be performed during childhood, but there have been reports of young girls or young women undergoing FGM just before a forced marriage” (Forced Marriage Unit, 2014). In addition, the results of a CREATE Youth-Net Project study in London, Lisbon, and Amsterdam found that “several respondents drew links between forced marriage and FGM, explaining how these practices often go hand in hand” (Hemmings & Kadija, 2013). Another UK based study found that among the forced marriage survivors they interviewed, “there were several cases where the threat of forced marriage was identified as being, of itself, part of a pattern of wider abuse that they experienced (including female genital cutting)” (Forced Marriage in the UK, 2009).

Human Trafficking

The Trafficking Victims Protection Act (2008) defines severe forms of sex and labor trafficking as follows: “[when] a commercial sex act is induced by force, fraud, or coercion, or [when] the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (U.S. Department of State, 2015). This definition of sex trafficking, but not of labor trafficking, was incorporated into the Violence Against Women Act during reauthorization in 2013.

Even though forced sex within a forced marriage is not a “commercial sex act” as such, arguably “human trafficking” can describe some forced marriage cases. The forced sex within the marriage may be considered “services”, and in fact, not only does Florida’s human trafficking statute list “forced marriage” in the “services” definition, of the 8 states that have specific criminal laws against forced marriage, 2 of them codify that provision within their human trafficking statute. Elements of forced labor may also be present, particularly in cases of servile marriage. In some cases, a simpler understanding of human trafficking as the exploitation of another for personal gain, using force, fraud or coercion, can fit the facts of a forced marriage, such as when the driving motivation of the family is financial, to collect a bride price, dowry, or debt payment.

There is an ongoing conversation around abusive international marriages and human trafficking in the United States. According to advocates with Building Our Futures, abusive international marriages are defined as the practice of older men residing in the U.S. marrying underage girls from Asian countries (2015). What makes these marriages abusive are the large age differences between the spouses that can range from 20 to 70 years; men’s duplicity in failing to reveal that they are already married in the U.S.; the fact that “first wives” in the US may be coerced into divorce; and the abuse and sexual victimization of the

young wives that occurs within the marriage (Dabby-Chinoy, 2012). However, advocates argue that even if such cases appear to contain elements of trafficking, an abusive international marriage would rarely satisfy all three components of the U.S. federal trafficking definition. Due to the fact that victims “believe they are coming as wives; their applications for fiancé visas would not satisfy the means of coercion; and husbands are not making money off of the sexual exploitation” of their young wives, advocates from Building our Future advise that it would be unlikely that the federal trafficking law would apply to these cases (Thao-Urabe, Vaj, Yang, & Thao, 2015).

Elsewhere in the world, advocates and policy makers have been working to understand and address the intersection of forced marriage and human trafficking. A report released by the Australian Institute of Criminology found that marriage and partner migration have been used to facilitate the trafficking of people into Australia. Lyneham & Richards (2014) conclude that this suggests the existence of a separate category of human trafficking, one in which the exploitation element is neither exclusively labor related nor sexual but “the exploitation of the very personhood of the individual victim/survivor”, through the individual’s:

- labor (in the form of domestic servitude, forced labor outside the home, or both);
- body (in the form of sexual servitude to their intimate partner and/or lack of control over childbearing); and
- self (in the form of loss of freedom and psychological bondage).

In February 2013, amendments were made to the Australian Criminal Code that expanded the definition of human trafficking, and introduced a spectrum of slavery and related offenses in order to ensure that the broadest range of exploitative behavior was captured and criminalized.

“Specifically, the amendments introduced new offences around forced marriage and amended the existing definitions to capture servile marriage... which involves a person being sold, transferred or inherited into marriage as a condition similar to slavery” (Lyneham, 2013).

In Canada, advocates with the South Asian Women’s Centre released a guide, *Forced Marriage as a Form of Human Trafficking*, which is aimed at “helping service providers understand the intricacies around forced marriage and human trafficking in the South Asian context” (Anis, Kanagasabapathy, & Arora, 2014). The authors describe the distinct feature of this issue as “the commodification of women through the legal means of ‘marriage’” and describe that the intersection of forced marriage and human trafficking can be understood as “cases of forced marriage in which the elements of the crime of trafficking are... evident, and in which coercion is a facet of forced marriage...” Ultimately, the definition offered by the South Asian Women’s Centre is as follows: “A forced marriage is a form of human trafficking when forced marriage is used to traffic a person across borders and where that person faces exploitation; there is a fear of leaving the relationship because of potential harm to self and/or loved ones; the spouse or spouse’s family have control of the survivor’s identity documents; and economic exploitation is apparent, including dowry and/or exchange of favours” (South Asian Women’s Centre, 2012).

In the UK context, advocates have observed individuals being forced into marriages to maintain family ties, improve a family’s economic position both in the UK and abroad, and in order for spouses to gain permanent residence in the UK (Child Trafficking for Forced Marriage, 2008). Advocates in the UK have noted that when a girl under the age of 18 is forced to marry a British man abroad and then brought to the UK, their marriage may be characterized by domestic and sexual servitude, physical and psychological violence and severe restrictions on the girl’s movement. In some cases, too, a forced marriage is a family’s strategy to secure a lifelong caregiver from abroad for someone with a physical or mental disability.

Conclusion

Over the past five years, a more comprehensive picture of the nature and scope of forced marriage in the United States has emerged. We now know that many survivors of forced marriage have experienced

harm that is overlapping with other forms of violence and yet unique enough to require additional skills and awareness from service providers and others in a position to assist. Those already working with survivors of violence may have unidentified victims of forced marriage in their caseloads right now. Simply asking an individual to say more about how they got married can be a non-judgmental conversation starter. Given how common it is for survivors to have known other family or community members who have experienced forced marriage, asking how marriage tends to happen in their family or community can also be a gentle way to open the door to a fuller conversation about a survivor's marriage and trauma history.

It is also critical that shelter staff and supervisors understand that a forced marriage survivor typically does not have the same safety net of friends, community, and family to fall back on. She may require flexibility around how long she can remain in shelter with access to critical services in order to rebuild financially and to feel safe and empowered to chart a new course for her life and redefine her relationships with her family and community on her own terms.

Often another essential aspect of the healing process for forced marriage survivors is lifting the weight of feeling alone—alone in their trauma, but also alone in having rejected the violence and facing all of the loss which resulted from that. While support groups offer one avenue for sharing and rebuilding, not all survivors find comfort in a setting where they feel exposed. Books which highlight survivor stories can be a powerful resource for advocates to share with clients as they work to find strength and rebuild community. A few of the available options include

Shame by Jasvinder Sanghera, *Written in the Stars* by Aisha Saeed, *The Witness Wore Red* by Rebecca Musser, *Secrets of the Henna Girl* by Sufia Ahmed, and *Heartbeats: The Izzat Project*.

It is also clear that current laws and policies are inadequate to address the unique challenges associated with forced marriage. The Tahirih Justice Center along with other advocates, experts, and survivors have urged the U.S. government to dedicate funding for forced marriage-specific resources and programs, implement safeguards in federal immigration laws for marriage-based visas, and to ensure that criminal justice options are available to forced marriage victims. Furthermore, advocates are urging state governments to ensure access to civil protection orders for forced marriage victims and to strengthen state laws on the age of consent to marry.

Across the U.S. there are service providers and advocates with skills and expertise that can and should be tapped to serve the complex needs of forced marriage survivors and provide them with a desperately needed safety net. There are also laws, policies, and programs that can and should be improved and expanded to ensure protections are available for victims. We must all continue to draw connections in our work and to push for an expanded definition of violence against women that recognizes all survivors and provides them resources and tools to demand and achieve the safety they deserve.

For more resources, including a “forced marriage 101” training webinar for service providers and advocates, a publication and online training library, as well as expert technical assistance, please visit www.preventforcedmarriage.org or contact the Forced Marriage Initiative at the Tahirih Justice Center.

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In Brief: The Intersectionality of Forced Marriage with Other Forms of Abuse in the United States

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This paper provides information and research on forced marriage in the United States and its intersections with child abuse, sexual assault and rape, domestic and family violence, stalking, female genital mutilation/cutting (FGM/C), and human trafficking. The research demonstrates that forced marriage is a serious but neglected problem in this country, and despite many advocates' best efforts, survivors of forced marriage and those at risk continue to fall through the cracks of the systems and programs set up to protect individuals from abuse. For service providers and survivors alike, it is critical to recognize and understand these links and to connect the dots between the mechanisms of power, control, and coercion that may precede a forced marriage, and the forms of abuse that can follow it.

Key Findings

- In a 2011 survey, service providers in the U.S. reported encountering as many as 3,000 known or suspected cases of forced marriage over a period of just two years.
- While not all forced marriage cases involve minors, the results of several surveys and studies have indicated that a substantial number of victims are minors. A child or teenager being forced into marriage by her family may be subjected to multiple coercive tactics that, taken together, amount to child abuse. In the case of a minor, the harms that follow a forced marriage also amount to child abuse.
- Advocates and researchers have found that sexual assault and rape can be not only a consequence - but also a cause - of forced marriage.
- The forms of abuse, coercion, intimidation, pressure, and fraud that are employed against victims of forced marriage are often indistinguishable from the forms of abuse and control utilized by perpetrators in domestic and family violence contexts. Such tactics are often employed both to force an individual into an unwanted marriage, and to prevent them from being able to leave the marriage after it occurs.
- In a forced marriage situation, family members may use stalking behaviors as a tool of power and control and to create a severe sense of isolation and hopelessness. Stalking often continues following the marriage in order to restrict the survivor's independent mobility and privacy, again with the intent of limiting her ability seek help.
- While not all individuals who face forced marriage are also at risk of FGM/C, forced marriage can at times both necessitate and guarantee imminent FGM/C, and a survivor of forced marriage may have already experienced FGM/C in her lifetime.
- Even though forced sex within a forced marriage is not a "commercial sex act" as defined by federal trafficking laws, arguably "human trafficking" can describe some forced marriage cases. Elements of forced labor may also be present, particularly in cases of servile marriage.

Conclusions

Over the past five years, a more comprehensive picture of the nature and scope of forced marriage in the United States has emerged. We now know that many survivors of forced marriage have experienced harm that is overlapping with other forms of violence and yet unique enough to require additional skills and awareness from service providers and others in a position to assist. Specialized resources and strengthened laws and policies are necessary to address the unique challenges associated with forced marriage.

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