



Review of NSW Legal Protections for Victim-Survivors of Forced Marriage

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Our Commitment to Inclusion

The Salvation Army Australia acknowledges the Traditional Owners of the land on which we meet and work and pay our respect to Elders, past, present and future.

We value and include people of all cultures, languages, abilities, sexual orientations, gender identities, gender expressions and intersex status. We are committed to providing programs that are fully inclusive. We are committed to the safety and wellbeing of people of all ages, particularly children.

Our values are:

- Integrity
- Compassion
- Respect
- Diversity
- Collaboration

Learn more about our commitment to inclusion: <salvationarmy.org.au/about-us>

The Salvation Army is an international movement and our mission is to preach the gospel of Jesus Christ and to meet human needs in his name without discrimination.

More information about The Salvation Army is at **Appendix A**.





Executive Summary

The Salvation Army welcomes the opportunity to provide this submission to the Department of Communities and Justice (the Department) in relation to the Review of NSW Legal Protections for Victim-Survivors of Forced Marriage (the Review).

The Salvation Army has been providing support to victim-survivors of modern slavery – including forced marriage – since 2008 through our Trafficking and Slavery Safe House in New South Wales (NSW). The Salvation Army also operates family violence services in almost all states and territories across Australia, providing support including refuge, children’s and parenting services, counselling, men’s programs, accommodation, and advice. It is from the experiences of our clients, as well as those of our frontline staff, that we have approached this submission.

The Salvation Army cautions that legislative reform alone will not achieve sustainable long-term outcomes for victim-survivors of forced marriage. In our experience, most victim-survivors of forced marriage do not wish to engage with the justice system but do want to ensure their safety. As such, Apprehended Violence Orders (AVOs) are part of a suite of tools that are needed to support victim-survivors, dependent on individual circumstances, risk levels, and personal choice.

Many of our recommendations come down to the need to keep victim-survivors at the centre of the discussion, and to facilitate prevention and response efforts to instances of forced marriage which are well informed, culturally competent, and collaborative and integrated.

The Salvation Army believes that forced marriage is a manifestation of family violence. In our experience, forced marriage is accompanied by use of controlling and coercive behaviours including shame, family reputation and family pressure, monitoring of daily life, and threats and manipulation around visa status, and migration. Pressure and control forcing a person into marriage often occurs over time, sometimes over many years. Whilst outside of the scope of the Review, we believe that forced marriage should be included in the statutory definition of family violence, and as such, incorporated into family violence frameworks.

This submission responds to questions nine through 11 of the Review’s discussion paper. We do not offer a view on legislative changes as outlined in the Review, but instead focus on what our practice demonstrates needs to be done to ensure sufficient support for victim-survivors and understanding within the community of forced marriage.

This submission covers:

- Better supporting victim-survivors to have protections under AVOs through improved education and training, and prioritising collaborative responses to instances of forced marriage.
- Additional guidance for victim-survivors and support services regarding AVOs.
- Barriers to protections for specific cohorts.

The Salvation Army has made **5** recommendations for the Department to consider. A summary of these recommendations follows on the next page.



Summary of Recommendations

Recommendation 1

1.14 The Salvation Army recommends that the NSW Government implements specialist training for law enforcement, and frontline workers in sectors including health care, housing, education, finance, and not-for-profit organisations. This training should be culturally aware, trauma informed, and be repeated regularly.

Recommendation 2

1.19 The Salvation Army recommends that the NSW Government invests in the development of a comprehensive education and awareness campaign to ensure the broader community obtain an understanding of forced marriage.

Recommendation 3

1.28 The Salvation Army recommends that the NSW Government increases collaborative and coordinated service responses to forced marriage through:

- *Investing in suitable services for victim-survivors of forced marriage.*
- *Reviewing current state-based frameworks which may support collaborative responses to instances of forced marriage.*
- *Coordinating state and Commonwealth responses to forced marriage, creating a streamlined process for the victim-survivor to be supported adequately regardless of whether their initial contact about forced marriage is with the state or Commonwealth.*

Recommendation 4

2.4 The Salvation Army recommends that the NSW Government invests in resources regarding a person's rights around marriage and disseminate these throughout local communities. This information should be provided on arrival to people migrating to Australia.

Recommendation 5

3.2 The Salvation Army recommends that the NSW Government reviews legal protections to ensure they account for and consider the needs of victim-survivors within specific cohorts at increased risk of experiencing forced marriage.

The Salvation Army's Trafficking and Slavery Safe House and Live Experience Engagement Program

The Salvation Army established the Trafficking and Slavery Safe House in 2008, Australia's first and only accommodation service in Australia specifically for adult women who have experienced human trafficking, slavery and slavery-like practices. The Safe House supports approximately 30-35 survivors and their dependents each year with flexible and holistic case management, either through its supported accommodation service (for adult cisgender and transgender women), transitional housing or non-residential support (for all ages and genders).

Located in Sydney, the Safe House accepts nation-wide referrals from a range of sources including health, education, law enforcement, legal services and community-based organisations. The Safe House client group's experiences of exploitation vary widely across the spectrum of modern slavery offences, but typically include:

1. Survivors of domestic servitude, including in private households and diplomatic residences.
2. Survivors of a forced marriage or those at risk of a forced marriage (typically young women).
3. Survivors of sex trafficking and sexual exploitation in commercial or private settings.
4. Trafficking and forced labour in other industries, including but not limited to agriculture, construction, personal/aged care, hospitality and tourism.
5. Survivors of exit trafficking and attempted trafficking.

The majority of the people the Safe House assists are migrants, with the cohort including temporary visa holders, international students, asylum seekers and refugees. Australian permanent residents and citizens are also represented in the cohort the Safe House supports, particularly those who have experienced or are at risk of forced marriage, and people who have experienced sexual exploitation and domestic sex trafficking. Linking with other services, the Safe House supports survivors to meet their immediate and long-term needs, in order for them to become independent and seek justice.

Funded by the Australian Government's National Action Plan to Combat Modern Slavery 2020-25 Grant Program, The Salvation Army also delivers the Lived Experience Engagement Program (LEEP) to empower survivors of criminal labour exploitation to use their lived expertise to inform positive change. Survivor Advisory Council members commenced their engagement and consultation with the Australian Government in December 2022.



1 Better Supporting Victim-Survivors to have Protections under AVOs

- 1.1 In our experience, victim-survivors of forced marriage are not consistently accessing protections available to them under AVOs in NSW. We suggest that the following practice changes could support the greater utilisation of AVOs, alongside greater outcomes for victim-survivors.

Improving Education and Training across the Sector

- 1.2 Ensuring that victim-survivors have access to AVO protections requires a highly coordinated legal and non-legal workforce that has the appropriate expertise in identifying, investigating, assessing, prosecuting, and trying forced marriage matters.
- 1.3 The Salvation Army highlights the critical role of education and training in building an understanding of the true nature of forced marriage. This understanding will provide the health, social and legal systems with a more accurate means to understand the impact of the offences and respond appropriately, ultimately improving outcomes for victim-survivors.

Education and Training for Police

- 1.4 The police form a crucial part of the frontline service system. When police respond to or have concerns regarding forced marriage, it is critical that they have the knowledge to identify and appropriately respond.
- 1.5 We acknowledge the Australian Federal Police's (AFP's) *Look a Little Deeper* program which aims to equip police to respond to modern slavery offences effectively and ensure victim-survivors are provided with appropriate support.¹
- 1.6 We believe that increased investment in training for state police on indicators of forced marriage will assist with an increase of victim-survivor identification and support and prevention of crime. Although investigation of modern slavery offences falls under the AFP's jurisdiction, state police are well placed to provide initial victim-survivor identification when responding to domestic or workplace disputes, and when victim-survivors attend police stations to seek help.
- 1.7 We also highlight however the potential risks of over-policing culturally and linguistically diverse communities. The use of the AVO system is one mechanism which may be useful to some victim-survivors, though we do not suggest that it is the best, nor the only, response in instances of forced marriage. In our experience, due to the sensitive and complex nature of forced marriage, most victim-survivors wish to avoid justice system responses altogether.

¹ Australian Federal Police. (2023). *Human Trafficking and Slavery Strategic Plan*. <https://www.afp.gov.au/sites/default/files/2023-07/HumanTraffickingandSlaveryStrategicPlan2023-2026.pdf>.



- 1.8 Based on this, we believe that police training should incorporate:
- indicators of forced marriage,
 - cultural awareness and appropriate responses,
 - referral pathways for support, and
 - information about the use of power and control over victim-survivors which may lead to mistrust of police and hesitance to report.
- 1.9 Incorporating further information on forced marriage into current family violence police training may also assist state police to better support people at risk of forced marriage.
- 1.10 We highlight that by including referral pathways and service options in police training, in instances where a victim-survivor does not wish to apply for an AVO, they can be appropriately referred for ongoing follow-up and support in the community.
- 1.11 Training should be targeted, repeated regularly, and mandated for police officers. We believe this is necessary to ensure all police officers have the expertise and skills to respond effectively to forced marriage.

Training for Frontline Services

- 1.12 Due to the nature of forced marriage, police or justice staff will likely not be the first responders for victim-survivors. For this reason, it is critical that all frontline staff and those volunteering in an organisation have access to specialised training to correctly identify people in need of protection and respond with meaningful support options for both adult and child victim-survivors, and perpetrators.
- 1.13 In our experience, there is a need to increase understanding about forced marriage within the mainstream service system. Our frontline staff report that many of the services that victim-survivors interact with do not have sufficient education nor awareness to understand that this form of coercion and control is as harmful as physical violence, and can take many forms. There is a further need to enhance understanding of barriers which disempower victim-survivors and prevent them seeking support or disclosing risk of forced marriage.

Recommendation 1

- 1.14 The Salvation Army recommends that the NSW Government implements specialist training for law enforcement, and frontline workers in sectors including health care, housing, education, finance, and not-for-profit organisations. This training should be culturally aware, trauma informed, and be repeated regularly.**



Primary Prevention, Early Intervention, and Community Education

- 1.15 Primary prevention, early intervention, and community education remain the most effective ways to address the underlying problem of coercive and controlling behaviours. Our frontline experience is that many victim-survivors of forced marriage do not realise that what they are experiencing is actually a form of family and domestic violence. Most of our referrals related to forced marriage are instances where the victim-survivor has been supported by a frontline professional – such as education, health, settlement or family violence support, youth services – or a peer to seek support for what has been recognised as a forced marriage.
- 1.16 The Salvation Army advocates for greater investment in rights education and awareness raising campaigns throughout communities. We suggest focussing on rights education which explores both cultural attitudes and beliefs alongside Australian laws and legislation related to forced marriage.
- 1.17 Alongside empowering victim-survivors to identify coercion or forced marriage within their own relationships, greater investment in community education and awareness raising would ensure that every Australian considers themselves an active bystander and recognises forced marriage as unacceptable.
- 1.18 Community education should be co-designed alongside those with a lived experience of forced marriage, community leaders and specialist agencies. All training and education should be culturally aware and trauma-informed. We suggest that education on healthy relationships is critical. Particular focus must be given to respectful relationships within primary schools, and healthy peer-to-peer and early intimate relationships in high schools.

Recommendation 2

- 1.19 The Salvation Army recommends that the NSW Government invests in the development of a comprehensive education and awareness campaign to ensure the broader community obtain an understanding of forced marriage.**

A Salvation Army Early Intervention Strategy

In 2022 the Trafficking and Slavery Safe House collaborated with Settlement Services International (SSI), Afghan Women's Support Agency and the Cumberland Police Area Command's Multicultural Community Liaison Officers on a series of short workshops around community safety, rights at work and rights in relationships.

The workshops were delivered in Granville and Merrylands to both established and newly arrived migrant women from the Afghan community, responding to community members' requests to increase knowledge in this area.

The workshops, facilitated with a bilingual community member, focused on safety and choice within relationships. This included information about forced marriage, how to identify it and support services available to anyone impacted by a forced marriage or at risk.

Prioritising Coordinated Service Responses to Forced Marriage

- 1.20 The Salvation Army believes that alongside legislative change, the NSW Government must consider the importance of enhancing and improving forced marriage service responses.
- 1.21 In our experience, it is most likely that victim-survivors will access forced marriage AVOs through being connected with support services. Without holistic and wraparound support services, forced marriage AVOs cannot guarantee enhanced or adequate safety for victim-survivors.
- 1.22 Recent research conducted in the United Kingdom concluded that forced marriage prevention orders (FMPOs), whilst an important mechanism to prevent forced marriage and protect victim-survivors, can simultaneously increase risk of honour-based violence and other forms of abuse within victim-survivors' families and communities.² Where FMPOs were accompanied by collaborative, wraparound services, and support responses which understood the complexities and risks associated with victim-survivors accessing FMPOs, victim-survivors were empowered and their safety enhanced.³
- 1.23 The Salvation Army urges the need for coordinated and collaborative service responses between agencies such as police and frontline services to ensure and prioritise the safety and wellbeing of victim-survivors of forced marriage.
- 1.24 In our experience, there is little coordination and collaboration currently, particularly between the AFP who have skills and knowledge in this area, and state-based police, services, and supports.

² Anitha, S., Gill, A., & Noack Lundberg, K. (2023). *Understanding Protection and Prevention Responses to Forced Marriage in England and Wales*, University of Lincoln and University of Bristol. https://research-information.bris.ac.uk/ws/portalfiles/portal/368179921/Anitha_Gill_Lundberg_FMPO_Full_Report_May_2023.pdf.

³ Ibid,





- 1.25 We draw attention to NSW family violence frameworks as an example. A victim-survivor of family violence who chooses to access an AVO in NSW may also be referred to the Staying Home Leaving Violence program, or the Womens Domestic Violence Court Advocacy Program. These support services work hand-in-hand with the justice system to ensure best outcomes for victim-survivors. We advocate for this form of coordinated service response in the context of forced marriage.
- 1.26 We suggest that coordination between Commonwealth and state-based mechanisms is critical. For example, when a victim-survivor has a forced marriage AVO within NSW, without having to retell their story, they should be able to access safety around travel overseas (i.e. PACE alerts) or government funded support (i.e. through the Support for Trafficked People Program).
- 1.27 The NSW Government could usefully consider leveraging existing state-based frameworks including turning to provisions within family violence response systems which are not currently streamlined or consistent for victim-survivors of forced marriage such as Safety Action Meetings and the Domestic Violence Safety Assessment Tool (DVSAT). These frameworks could be utilised to identify risk and needed supports for victim-survivors of family violence.

Recommendation 3

1.28 The Salvation Army recommends that the NSW Government increases collaborative and coordinated service responses to forced marriage through:

- Investing in suitable services for victim-survivors of forced marriage.
- Reviewing current state-based frameworks which may support collaborative responses to instances of forced marriage.
- Coordinating state and Commonwealth responses to forced marriage, creating a streamlined process for the victim-survivor to be supported adequately regardless of whether their initial contact about forced marriage is with the state or Commonwealth.



2 Additional Guidance for Victim-Survivors and Support Services

- 2.1 In our experience, there is a sector-wide lack of knowledge and understanding regarding the use of AVOs in cases of forced marriage, particularly in relation to their efficacy for victim-survivors.
- 2.2 In addition to increased education and training to frontline services as previously mentioned, The Salvation Army suggest the development of easy read guides and resources outlining an individual's rights around marriage. These resources should be provided to people migrating to Australia on arrival and should be made available in a variety of languages.
- 2.3 We suggest that, once developed, this information should also be disseminated throughout communities through local community leaders and organisations.

Recommendation 4

- 2.4 The Salvation Army recommends that the NSW Government invests in resources regarding a person's rights around marriage and disseminate these throughout local communities. This information should be provided on arrival to people migrating to Australia.**

3 Barriers to Protections for Specific Cohorts

3.1 The Salvation Army recognises that forced marriage impacts people of all cultural and faith backgrounds, and can impact people of any age, gender and sexuality. According to our frontline experience, The Salvation Army has identified the following cohorts as facing additional barriers in obtaining protections against forced marriage under the AVO system:

- **People who have recently migrated to Australia** face significant barriers to obtaining protections against forced marriage under AVOs. They may experience language barriers, limited access to information – such as their rights under Australian law, and local support services available to them, fear or distrust of people in authority such as police or legal systems, fear of isolation from their community or culture, and religious or cultural expectations.⁴ People who have recently migrated to Australia also experience increased risk due to uncertainties regarding their visa status, and limited access to support services. For example, The Salvation Army have worked alongside victim-survivors or forced marriage who have not felt safe to remain in the family home and do not want to go ahead with the marriage, though feel unsafe to express this for fear of outcomes such as losing their family and community.
- **Members of the LGBTIQ+ community** may also face additional barriers to protections under AVOs, particularly related to religious and cultural beliefs of their communities. In some cases members of the LGBTIQ+ community are forced by family into marriages to repress their gender identify or sexual orientation.⁵
- **People living with a disability** are at an increased risk of forced marriage, particularly due to potential limited ability to provide informed consent, or reduced access to information and resources regarding their rights and protections. People living with a disability may be additionally more reliant on their family and community, and experience heightened fear of isolation as a result.

Recommendation 5

3.2 The Salvation Army recommends that the NSW Government reviews legal protections to ensure they account for and consider the needs of victim-survivors within specific cohorts at increased risk of experiencing forced marriage.

⁴ Safe + Equal. (Undated). *Forced Marriage in the Context of Family Violence*. <https://safeandequal.org.au/resources/forced-marriage-in-the-context-of-family-violence/>.

⁵ Safe + Equal., & InTouch. (2021). *Forced marriage in the context of family violence*. https://safeandequal.org.au/wp-content/uploads/SE_InTouch_Forced_Marriage_TipSheet_02_01.pdf.

4 Conclusion

- 4.1 The Salvation Army thanks the NSW Department of Communities and Justice for the opportunity to provide a written submission to the *Review of NSW Legal Protections for Victim-Survivors of Forced Marriage*.
- 4.2 The Salvation Army would welcome the opportunity to discuss the content of this submission should any further information be of assistance. Further information can be sought from government.relations@salvationarmy.org.au.

The Salvation Army Australia Territory

December 2023





Appendix A About The Salvation Army

The Salvation Army is an international Christian movement with a presence in more than 130 countries. Operating in Australia since 1880, The Salvation Army is one of the largest providers of social services and programs for people experiencing hardship, injustice and social exclusion.

The Salvation Army Australia provides more than 1,000 social programs and activities through networks of social support services, community centres and churches across the country.

Programs include:

- Financial counselling, financial literacy and microfinance
- Emergency relief and related services
- Homelessness services
- Youth services
- Family and domestic violence services
- Alcohol, drugs and other addictions
- Chaplaincy
- Emergency and disaster response
- Aged care
- Employment services

As a mission-driven organisation, The Salvation Army seeks to reduce social disadvantage and create a fair and harmonious society through holistic and person-centred approaches that reflect our mission to share the love of Jesus by:

- Caring for people
- Creating faith pathways
- Building healthy communities
- Working for justice

We commit ourselves in prayer and practice to this land of Australia and its people, seeking reconciliation, unity and equity.

Further information about The Salvation Army can be accessed at: <
<https://www.salvationarmy.org.au/>>

