

Chapter 9: Forced marriage and reproductive coercion

Forced marriage

A forced marriage is when a person gets married without freely and fully consenting, because they have been coerced, threatened or deceived, or because they are incapable of understanding the nature and effect of a marriage ceremony, for reasons such as lack of capacity or age.

Forced marriage is a criminal offence under section 270.7A of the *Criminal Code Act 1995* (Cth) and a human rights abuse. It is also domestic violence as forced marriage typically involves sexual assault, geographic and social isolation, financial control, psychological abuse and forced labour, and a high risk of experiencing other forms of domestic violence, such as verbal and physical abuse.

The crime of forced marriage can apply to:

1. legally recognised marriages, as well as cultural or religious ceremonies and registered relationships;
2. marriages that occur in Australia (including where a person was brought to Australia to get married), as well as where a person is taken overseas to get married; and
3. the conduct of any person involved in bringing about the forced marriage, including family members, friends, wedding planners and marriage celebrants.

The offences apply regardless of the age, gender, or sexual orientation of the victim.

Practitioner tip

If you believe that your client is in a forced marriage or at risk of being forcibly married you can contact the Australian Federal Police for assistance.

If the person is under eighteen years and at risk of being taken outside Australia you can also obtain an urgent family law order in the Federal Circuit Court to place the person's name on the Airport Watch List or, in exceptional circumstances, an order to stop an aircraft.

More information, including a range of fact sheets and referral options, is available at the Attorney-General's website²⁵.

Reproductive coercion

Reproductive coercion is behaviour used to control or pressure contraceptive and pregnancy outcomes. Common scenarios include perpetrators intentionally causing pregnancy to make women more vulnerable and dependent on them or taking actions to terminate a pregnancy wanted by the woman.

Reproductive coercion can take many forms including:

- ▶ sexual assault;
- ▶ harming or threatening to harm a woman if birth control is used or not used;
- ▶ harming or threatening to harm a woman if she continues a pregnancy or has an abortion;
- ▶ birth control sabotage, such as controlling finances or freedom of movement so women cannot obtain birth control, hiding or destroying birth control pills, breaking or removing a condom during sex, forcibly removing other contraceptive devices, such as IUDs or vaginal rings or not withdrawing as agreed; and
- ▶ physically assaulting a woman to cause a miscarriage.

If women experience reproductive coercion in addition to other forms of domestic violence an unwanted pregnancy can significantly inhibit their ability to end the relationship and sever ties to the perpetrator. Access to safe and affordable contraception options and termination procedures are essential to ensure that women experiencing domestic violence can elect to avoid having a child with a perpetrator.

25 www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/ForcedMarriage.aspx