

MULTI-AGENCY STATEMENT

COLLABORATIVE RESPONSE TO

POTENTIAL AND ACTUAL

FORCED MARRIAGE



FORCED MARRIAGE IN NEW ZEALAND

Statement of Intent

Forced marriage is not accepted or condoned in New Zealand.

A forced marriage is defined as one where "...marriage is conducted without the valid consent of both parties where duress is a factor."¹ Duress may include physical, psychological, financial, sexual and emotional pressure. Duress may occur during the arrangement of a forced marriage and continue once it has taken place.

In New Zealand a person under the age of 16 years old is unable to marry another person, whether or not they have parental consent. Any marriage of a person under 16 years old is not a legal marriage. Underage forced marriage is child abuse and will be dealt with as a care and protection concern.

New Zealand is a signatory to a number of International Conventions that condemn the practice of forced marriage including:

- Universal Declaration of Human Rights
- United Nations (UN) Convention on the Rights of the Child
- UN Convention on the Elimination of All Forms of Discrimination Against Women
- UN Convention on consent to marriage, minimum age for marriage and registration of marriages
- UN Convention on the Elimination of All Forms of Discrimination Against Women.

Forced marriage is an extremely complex issue and often involves parties that are young and vulnerable and their families. There are significant impacts and effects of being forced into a marriage and these impacts often occur over a sustained period of time.

The right to freedom of choice and an unfettered decision to marry is a fundamental human right. The Parties to the Multi-Agency Agreement on Response to Forced Marriage are committed to working together to provide support, information and a safe pathway for those people faced with forced marriage.

General Principles

All individuals who raise a concern about potential or actual forced marriage will:

¹ "A Choice by Right" HM Government, 2000

- have their safety treated as paramount
- have their concerns treated with due confidentiality
- be treated with respect
- be listened to

Government Partners Statements of Commitment

Police

Police will work to protect the safety of individuals that make a complaint of underage marriage, or potential or actual forced marriage. Complaints will be treated confidentially and Police will work closely with internal specialist groups and external partner agencies to manage referral to appropriate agencies and maintain the safety of those involved. Where the victim wishes to make a criminal complaint about offences associated with forced marriage Police will investigate sensitively and support victims through the prosecution case.

Ministry of Social Development

Work and Income

Work and Income will support people in forced marriage situations toward a violence free future by:

- ensuring they receive urgent and appropriate income support;
- ensuring they are able to discuss the violence and their family relationships with a supportive staff member who will clearly explain their options, including benefit entitlements and support available in the community;
- referring them to approved family violence agencies that will assist them with ongoing safety planning and support them to live safely.

Child Youth and Family

Child Youth and Family (CYF) will ensure that any young person (under the age of 17) who discloses a complaint of potential or actual forced marriage, is supported and assisted in making decisions.

CYF will ensure that the young person's privacy is respected at all times and that their safety is at the forefront of any social work practice.

The paramount consideration will always be the welfare and best interests of the child or young person.

Family and Community Services (FACS)

Where NZ Police have received a complaint of a potential or actual forced marriage, Family and Community Services will work with relevant local support services to coordinate the delivery of appropriate support and assistance.

FACS will also work to raise awareness amongst local migrant and refugee communities, community groups and organisations about forced marriage through a variety of methods such as community seminars and the FACS website.

Ministry of Education

The Ministry of Education will work with Child Youth and Family to provide information on the identification and reporting of forced marriages and make amendments as appropriate to the current child abuse protocol agreement between Child, Youth and Family, the NZ Schools Trustees Association and the Ministry of Education, 2009. This will ensure schools have clear processes to follow and support when a young person discloses at a school a complaint of potential or actual forced marriage.

Immigration New Zealand

Immigration New Zealand (INZ) will work with individuals who approach INZ for immigration assistance.

Enquiries will be treated confidentially and INZ will work closely with external partner agencies when assistance is required for determining any Immigration related issue.

Immigration commits to treat any visa application resulting from concern regarding a potential or actual forced marriage as a priority.