
Early and Forced Marriage in Australia





I begin by acknowledging the
traditional owners of this land
upon which we gather today and
pay my respect to their elders
past and present

Australian Muslim Women's Centre for Human Rights

- ❑ Is a traditional community welfare organisation, set up in 1991 as the Islamic Women's Welfare Council of Victoria and is now a national body.
 - ❑ Non religious organisation to reflect the full diversity of Muslim women, but will enter into the religious realm when Islam is used to justify disadvantaging or treating women as less than men
 - ❑ Aims to facilitate Muslim women's empowerment and full participation in Australian society using a gender and social justice approach.
 - ❑ Case-work, advocacy, group work, community legal education, parenting, leadership, capacity-building, research, personal development
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Migrants, Refugees and Asylum Seekers

- ❑ A migrant is a person who has left his or her country voluntarily for a new life in a new land
 - ❑ A refugee is a person who has fled his or her country and cannot return because of a well-founded fear of persecution due to their race, religion, nationality or membership of a particular social group
 - ❑ An asylum seeker is a person who has fled from their country and seeks legal and physical protection (asylum) in another country.
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Refugees and Migrants...

□ Migrants:

- make a conscious choice to leave their country to seek a better life elsewhere.
- seek information about their new home, study the language and explore employment opportunities.
- plan their travel and say goodbye to the important people in their lives.
- are free to return home at any time.

□ Refugees:

- forced to leave their country as at risk of, or due to persecution.
 - their concerns are human rights and safety, not economic advantage.
 - leave behind their homes, belongings, family members and friends.
 - are at times forced to flee with no warning and many experience significant trauma or have been tortured or ill-treated and often having travelled with their lives at risk.
 - cannot return unless the situation that forced them to leave improves.
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Resettlement experiences

- ☐ Cultural dislocation
 - ☐ Disruption to sense of self, family and community
 - ☐ Mental health problems
 - ☐ Financial difficulties
 - ☐ Poverty
 - ☐ Social isolation
 - ☐ Discrimination
 - ☐ Language problems
 - ☐ Change in profession
 - ☐ Lack of recognition of qualifications
 - ☐ Challenges to traditional patterns of family interaction
 - ☐ Lack of validation of effective parenting practices
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Research and Evidence Limitations

- Early and Forced Marriage (EFM) is a gendered practice, a form of gender discrimination, and form of gender-based violence
- Embedded in patriarchy and gender inequality. Early and forced marriage then is part of a network of beliefs and practices that reflect and maintain men's power over women.
- Feminist movement → Human Rights movements.
- Changing social and economic status of women has changed marriage

Research and Evidence Limitations

- ❑ Very limited research in Australia that is based on young peoples experience.
 - ❑ Over reliance on overseas data, particularly the UK.
 - ❑ We have recently completed research and will be published shortly and launched.
 - ❑ Urgent need for more Australian based research to assist the development of effective and appropriate response to EFM.
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Who is affected by early/forced Marriages?

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- ❑ Girls being taken overseas for marriage (through pressure, deception or force)
 - ❑ Girls have reported (to teachers, counsellors and, in rare cases, the police) that their families have plans to force them to marry in Australia or overseas
 - ❑ Spouses may be brought from overseas through forced marriages, including women and children.
 - ❑ Women may be recruited and transported to Australia for the purposes of exploitation (including domestic or sexual servitude)
 - ❑ There are cases of children under the age of 18 in Australia undergoing a cultural or religious marriage
 - ❑ Cases of asylum seekers requesting protection for fear of harm from a child or forced marriage if returned
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Who is affected by Early/forced Marriages?

- ❑ Not limited to any particular cultural group, religion, ethnicity or region.
 - ❑ Not specifically a Muslim problem. It is practised to varying degrees among the Muslim community, unheard of by others.
 - ❑ Boys and girls both may be affected, but the overwhelming majority of those impacted are girls. Some global statistics are as follows:
 - ❑ No data on forced marriages that occur after the age of 18. But from a Muslim women's human rights perspective, this is important, because forced marriage occurs not only to children, but also to adult women.
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Forced Marriage and Parents

- ❑ Fulfillment of their role as parents.
 - ❑ Belief that parents know their children best and they know and want best for their children.
 - ❑ Economic necessity- in Australia and Overseas
 - ❑ To assist extended family members overseas.
Safety vs liberty, economic well-being vs personal well being
 - ❑ To control sexual behaviour/risky behaviour
 - ❑ To ensure maintenance of culture through role of mother
 - ❑ To maintain standing in community (often referred to as honour)
 - ❑ Abusive parents
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Early Marriage and Young Women

- ❑ To gain independence from parents - not only about culture, but developmental stage
 - ❑ To conform with gender expectations, particularly if peers are marrying
 - ❑ To fulfil romantic, sexual and intimacy needs in a socially acceptable way
 - ❑ To escape poverty, abuse and domestic violence (if coming from overseas may be escaping war or looking to provide financial support to her parents overseas).
 - ❑ To comply with family and parents-fulfilling duty
 - ❑ As an alternative to academic or professional careers
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How might Early and Forced Marriage affect girls?

- ❑ Developmental Impact
- ❑ Depression, anxiety and other mental health issues. Diminishment of health and wellbeing. Unlived potential/unlived life.
- ❑ Sexual and reproductive health particularly related to early pregnancy
- ❑ Diminishment of education, employment and self-development opportunities
- ❑ Lack of self-confidence, potential difficulty in decision making
- ❑ Perpetuation of disadvantage
- ❑ Family violence pre and post marriage

Not all early and forced marriages turn out to be bad marriages and this is a complicating factor in our efforts towards its eradication

What does Islam say about forced and early marriage?

- ❑ Marriage is recommended but not obligatory does not reflect the reverence Muslims hold for marriage
 - ❑ Marriage is a contract that requires two consenting parties
 - ❑ Expressing consent is part of the Muslim marriage ceremony
 - ❑ Most schools of Islamic thought believe women's consent is essential:
 - 'The widow and the divorced women shall not be married until an order is obtained, and the virgin girl shall not be married until her permission is obtained...'
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Causes and Context

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- Marriage and Muslims
 - Value and function of marriage/family is the fulfilment of religious identity.
 - Prophet Muhammad(PBUH) 'marriage is half the religion'
 - Marriage is both a duty of the family and to the family
 - It is a community expectation, especially of women.
 - Unmarried women, and to some degree men, do not have an easily identifiable place in Muslim societies.
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Potential Signs of EFM

- ❑ a sudden announcement that the person is engaged
 - ❑ the person's older brothers or sisters stopped going to school or were married early
 - ❑ a lot of family control over which doesn't seem normal or necessary (e.g., not allowed out or always accompanied by a family member)
 - ❑ displaying signs of depression, self-harming, social isolation and substance abuse
 - ❑ the person seems scared or nervous about an upcoming family holiday overseas
 - ❑ spends a long time away from school, university or work
 - ❑ often doesn't come to, or suddenly withdraws from, school, university or work
 - ❑ unable to make significant decisions about their future, including without consultation or agreement from their parents, and/or
 - ❑ there is evidence of family disputes or conflict, domestic violence, abuse or running away from home.
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As Community Worker/Caseworker/Teacher

- ❑ Don't rely on media sources; trivializes impact for young girls directly affected
 - ❑ Take a critical and nuanced approach to EFM information and resources
 - ❑ Learn history and context of communities; cultural competence-migration, war, trauma factors which might impact on functioning of family
 - ❑ Understand the parameters of gender and violence, violence against children and cultural chauvinism
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As Community Worker/Caseworker/Teacher

- ❑ Take a critical and nuanced approach to EFM information and resources
- ❑ Learn history and context of communities; cultural competence-migration, war, trauma factors which might impact on functioning of family-look at cases on an individual basis not cultural basis
- ❑ Consult and collaborate with ethno-specific or community based services where possible
- ❑ Be aware that once placed in situation in which a young person must choose between forced marriage and freedom, all options available to the young person are often problematic
- ❑ Community education by community advocates, not casework will eliminate early and forced marriage

As Community Worker/Caseworker/Teacher

- ☐ Important for the person to use a safe computer/telephone if they need to contact AFP
 - ☐ If overseas, they can contact the nearest Australian Embassy or Consulate for help
 - ☐ Be careful that any steps that are taken do not jeopardise the safety and security of the young person and also does not impact your access to the person and make them more vulnerable
 - ☐ Awareness of the difficulties faced by the young person in making any decision
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