

Islam and Muslims oppose violence against women

A Guide for Women

For Muslim women and young women who have experienced family violence and Muslims who seek responsible understanding of family violence.





THE AUSTRALIAN MUSLIM WOMEN'S CENTRE FOR HUMAN RIGHTS
Equality without Exception

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In the name of Allah, the Merciful, the Compassionate

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (the one who is) the most righteous of you. And God has full knowledge and is well acquainted (with all things).

Al-Hujurāt 49:13

*There is one universal truth,
applicable to all countries,
cultures and communities:
violence against women
is never acceptable, never
excusable, never tolerable.*

Ban Ki-Moon, UN Secretary-General, 2008

Table of contents

<i>About this booklet</i>	3	<i>Impacts of violence on women</i>	25
A guide for Muslim women by Muslim women	3	<i>Impacts of family violence on children</i>	27
Links between early and forced marriage and family violence	5	<i>Impacts of violence on families</i>	29
<i>Violence against women: Facts and figures</i>	7	<i>Impacts of child, early and forced marriage</i>	30
What is family violence?	7	The context of change: Some important questions	32
What is partner violence?	8	Is family violence about culture and religion?	32
Family violence is a serious matter	8	Why do men use violence against their families?	32
Victims of family violence	9	Why does child, early and forced marriage happen?	33
<i>Family violence in the Australian Muslim community</i>	11	Is it a community problem or a family matter?	34
Emotional or psychological abuse	12	Why do we blame women for the violence committed against them?	36
Financial/economic abuse	13	<i>Marriage, violence and human rights</i>	37
Social abuse	14	<i>Seeking support: An important first step</i>	38
Sexual violence	15	<i>Support services (Victoria)</i>	39
Reproductive abuse and coercion	17	<i>How to report if you are in or at risk of forced marriage</i>	43
Spiritual abuse	18		
<i>Child marriage, early marriage and forced marriage (CEFM)</i>	19		
What is marriage?	19		
What is consent in marriage?	20		
What is child marriage?	21		
What is early marriage?	21		
What is forced marriage?	22		
The other form of forced marriage	23		

In the name of Allah, the Merciful, the Compassionate

*Whoever works righteousness,
man or woman,
and has Faith,
verily, to him will We give a new Life,
a life that is good and pure.*

An-Nahl 16:97



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About us

The Australian Muslim Women's Centre for Human Rights

The Australian Muslim Women's Centre for Human Rights (AMWCHR) is an organisation of Muslim women working for the rights of Muslim women in Australia. We believe Muslim women must be the impetus for change in their status as citizens. Our organisation is a non-religious organisation, which allows us to embrace the full diversity of Muslim women and ensures our accessibility and relevance to all sects, schools and groups within the Muslim community.

Our principles

The one foundational principle that informs our approach to our work is that Muslim women's equality is:

- without exception
- without qualification
- without threat.
- advocacy on issues that are important to women – liaising with service providers and all levels of government
- community-based programs that target specific community issues
- capacity-building projects for the Muslim community that focus on the challenges of settling into a new country

How do we serve women?

We prioritise very practical work for women that improves their lives in tangible and measurable ways. We work with individuals, groups and service providers in the following areas:

- casework, referrals and outreach for individual women who require support
- leadership development for women of all ages
- support and development of young Muslims
- training and support to professionals working with Muslim women and their families.

In the name of Allah, the Merciful, the Compassionate

*They (your wives) are your garment
and ye
Are their garments.*

Al-Baqarah 2:187

About this booklet

A guide for Muslim women by Muslim women

This guide is for all Muslim women who are experiencing or have concerns about family violence. It is also for the increasing number of Muslim community members who wish to be better informed about the nature of family violence, its impact on victims and on the Muslim community. Increasingly, like the rest of Australian society, the Muslim community has come to better understand that family violence not only has a profound and long-term impact on the lives of those it touches but also diminishes and undermines society as a whole.

The information in this booklet is based on our 20 years of experience working with Muslim women on the issue of family violence. It also includes the work of many other experts, including mental health experts, researchers, academics and legal personnel who have worked with both victims and perpetrators of family violence. Importantly, this guide includes the insights and work of Muslim women and men working on the protection and safety of women and families across the Muslim world, including in Muslim countries.

This guide incorporates the learnings of Muslim scholars of the Qur'an and Sunnah to clearly and unequivocally demonstrate that violence against women is not in the tradition of the Muslim faith and to give us some guidance as to Islam's position on the status of women and family violence.

The booklet has been developed for our Australian context and looks at how the legal system in Australia treats the matter of violence within the family, especially in relation to early and forced marriage, which has been subject to a great deal of change in community, government and legal arenas.

It is important to note that this is only an introduction to family violence. Further assistance and support is always available from our service and the many listed organisations at the back of this guide. We have also included some information on the legal options if you are a victim of family violence or early and forced marriage.

This guide is not designed to assist women in crisis. However, a list of crisis services, including police services, has been provided if crisis assistance is needed. If you are in that situation, we urge you to speak to a professional as soon as possible.

For every society around the world, eradicating family violence against women, most especially at home, has been a difficult, complex and slow process. Far too many women have lost their lives to a violent husband in their own home and far too many children have been unable to heal from the trauma of witnessing violence at home. Violence in the home is not a private matter; it is neither a cultural tradition nor religiously sanctified. It is always harmful and never contributes to sanctity of the family. Both men and women are diminished by violence.

Australian Muslims, whether new to this country or from families that have been here for many generations, understand that Muslim communities face many challenges in making Australia their home. For some, this has reduced the priority of tackling family violence. But in the context of challenges Muslims face, it is important that violence in the home be addressed, because we need families to be loving and safe for strong, resilient and healthy community members. Eradicating violence is an urgent matter because the suffering of women and children damages the integrity of our community. To allow violence in the home is to undermine the dignity and the resilience of the Muslim community.

We hope this booklet is a useful step toward increasing community awareness and assisting Muslim women to live free of the threat of violence.

Links between early and forced marriage and family violence

One focus of this resource is early and forced marriage. There are many reasons for including early and forced marriage in our definition of violence that occurs in families. Most important are the first-hand reports from women about the harm, suffering and distress that result from such marriages. Also, it has been shown that early and forced marriage increase the risk of other forms of family violence.

For many Muslims, the decision to marry happens within the confines of the home. It is directed by family members, and in the case of young women seeking to marry early, permission or consent is provided by the parents. It is for this reason that we have chosen to include early and forced marriage in a guide on family violence.

Marriage, in many Muslim communities, is a family matter.

In 2013, Australian law made it illegal to coerce, threaten or deceive a person into getting married. It has also always been illegal to marry a child under the age of 16, because a child is considered incapable of understanding the nature or effect of the marriage ceremony.

Additionally, in 2019 Victoria included forced marriage in its list of examples of family violence in the Family Violence Protection Act 2008; the law now states that using coercion, threats, physical abuse or emotional or psychological abuse to cause or attempt to cause a person to enter into a marriage may constitute family violence.

Early and forced marriage are crimes in Australia. This criminalisation is in response to growing awareness, in both Australia and around the world, Muslim countries included, of the harm early and forced marriage inflict on women and children. There is a growing awareness of the different forms of harm and of the protection that children and young women need.

As cultures and societies have developed, we have reached better understandings of relationships, marriage, the impact of sex on women's physical and mental health and the long-term impact on women and children of violence and abuse in families. We know that early and forced marriage increase both the likelihood and potential for an array of different types of abuse against women. We know that early and forced marriage increase mental health difficulties and diminish life opportunities and wellbeing. The full impact of early and forced marriage is described later in this booklet.

*I was scared being married at such a young age.
I didn't know what sex was and it was traumatic
for me. It had a huge impact and made me see
myself as an object.*

*I found it too painful marrying someone I found
reprehensible.*

*Now I have health problems from being married
young. It affects the body of a young girl. I feel
like I'm an old woman.*

*Marrying young is not good for the health.
The body is not ready so there are difficulties.
No one explained about marriage. I was shocked
and cried.*

*Marrying too young destroys the woman.
All girls suffer. The body is young. Men can't
prepare the girls.*

Padma, Marrying Young, p. 11¹

¹ Pratts, G & El Matrah, J 2017, *Marrying Young: an exploratory study of young Muslim women's decision-making around early marriage*, AMWCHR, Clifton Hill (Victoria)

Violence against women: Facts and figures

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.

United Nations Declaration on the Elimination of Violence against Women

What is family violence?

Narrated Aisha:

*Allah's messenger (peace be upon him)
never beat anyone with his hand,
neither a woman nor a servant.*

Sahih Muslim, Book Al Fadail, no. 2328

Family violence is any behaviour of a family member that causes physical, sexual or emotional damage to another or causes her/him to live in fear for her/himself or another person. Family violence is the misuse of power and the desire or choice to control a partner, spouse, child or situation.

It can also occur in wider family relationships and includes the abuse or neglect of children by adults, the violent behaviour of a child against a parent, abuse by a child towards his/her sibling/s and violence from the extended family, including in-laws.

Family violence happens in families all over the world regardless of financial circumstances or religious background. An act of violence towards a family member is family violence regardless of the cultural or religious background of the person.

What is partner violence?

Many terms are used to refer to family violence when it occurs between partners, such as domestic violence, partner violence, intimate violence, spouse abuse and wife beating.

It is important to highlight the difference between family and partner violence, because most violence in the home or domestic space is by men against women with whom they are or have been in an intimate relationship.

It is not uncommon for couples to have disagreements, argue or be angry with each other. This is normal. But the use of force or violence, or exercising controlling and/or dominating behaviour or behaviour that denigrates and/or makes people feel scared or unsafe is not a normal conflict and not part of being in a relationship.

Family violence is a serious matter

In Australia, on average, one woman a week is murdered by her current partner or former partner.

Australian Institute of Criminology (AIC) 2017

The 2017 National Homicide Monitoring Program report by the AIC showed that over a two-year period from 2012/13 to 2013/14, there were 99 female victims of intimate partner homicide. Women continue to be over-represented as victims of intimate partner homicide, accounting for 79 per cent of all intimate partner homicides. Here are some other findings:

- Global estimates published by the World Health Organisation indicate that about one in three (35 per cent) of women worldwide have experienced physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.
- Most of this violence is intimate partner violence. Worldwide, almost one third (30 per cent) of women who have been in a relationship report that they have experienced some form of physical and/or sexual violence by an intimate partner in their lifetime.
- Globally, as many as 38 per cent of murders of women are committed by a male intimate partner.¹

¹ World Health Organisation, <http://www.who.int/en/news-room/fact-sheets/detail/violence-against-women>, accessed 19 November 2018

- One in six Australian women has experienced physical or sexual violence by a current or former partner.²
- Australian young women (18–24 years) experience significantly higher rates of physical and sexual violence than women in older age groups.³
- Family violence directly affects one in five Victorian women over the course of their lifetime. It is the leading contributor to preventable death, disability and illness in Victorian women aged 15 to 44 years.⁴

Victims of family violence

Partner violence often occurs when women are pregnant.⁵

As demonstrated above, women are overwhelmingly the victims and men are overwhelmingly the perpetrators of violence in the home. But it is also important to recognise that in addition to family members being victims of abuse and violence, witnessing abuse or violence is also a form of family violence.

According to the Victorian Family Violence Protection Act (2008), family violence includes behaviour which causes a child to witness or hear or be exposed to the family violence. We will list examples below, but the Act clarifies this as follows:

The following behaviour may constitute a child hearing, witnessing or otherwise being exposed to the effects of behaviour referred to in paragraph (a): overhearing threats of physical abuse by one family member towards another family member; seeing or hearing an assault of a family member by another family member; comforting or providing assistance to a family member who has been physically abused by another family member; cleaning up a site after a family member has intentionally damaged another family member's property; being present when police officers attend an incident involving physical abuse of a family member by another family member.

2 Australian Bureau of Statistics 2017. *Personal Safety, Australia, 2016*, ABS cat. no. 4906.0. Canberra: ABS
3 *ibid*

4 services.dhhs.vic.gov.au/what-family-violence, accessed 19 November 2018

5 Australian Bureau of Statistics 2017. *Personal Safety, Australia, 2016*, ABS cat. no. 4906.0. Canberra: ABS

Globally, violence against women is the leading cause of death and disability of women no matter their age ...

Every 10 minutes, somewhere in the world, an adolescent girl dies as a result of violence.

UN Women, National Committee Australia¹

Gender based violence: violence that is specifically 'directed against a woman because she is a woman or that affects women disproportionately'

Our Watch²

¹ unwomen.org.au/our-work/focus-areas/eliminating-violence-against-women/, accessed 21 December 2018

² www.ourwatch.org.au/understanding-violence/facts-and-figures, accessed 21 December 2018

Family violence in the Australian Muslim community

Family violence occurs across the world in every country, region and community. According to the Australian Bureau of Statistics (2017b), one in six women in Australia over the age of 15 has experienced physical or sexual violence by a partner and almost one in four has experienced emotional abuse. There are no statistics that look at family violence specifically in migrant and Muslim communities but professionals who work in the area believe that the numbers would be very similar.

Family violence may be physical, emotional, financial, social, sexual, reproductive or spiritual. The following are the kinds of abuse women can face, and we have included detailed examples of particular violence that may face migrant or Muslim women.

Emotional or psychological abuse

In the name of Allah, the Merciful, the Compassionate

The Believers, men and women, are protectors one of another

At-Tawbah 9:71

Emotional or psychological abuse is behaviour that torments, intimidates, harasses or is offensive to another person. Examples may include:

- being called racist names
- accusations that you have abandoned your culture
- threats to harm someone in your family in Australia or in your home country
- being prevented from making or keeping connections with important people in your life
- destruction or confiscation of important legal papers such as family passports or birth certificates
- destruction of personal belongings from your home country
- being coerced to believe that family violence is not illegal in Australia
- being coerced to believe that if you seek police, welfare or legal assistance, you automatically lose legal custody of the children
- being accused of marrying for migration purposes only, with threatened or actual reports to immigration authorities
- being blamed for breaking up family and community if you leave a marriage
- threats of deportation; refusing to file, or withdrawing immigration papers.

Frequently, abusers also use children to manipulate their victims by:

- threatening to or actually taking away the children, possibly to another country where women may have no legal entitlement to custody
- threatening to or actually harming the children
- using a woman's immigration status in custody cases, to harm her chances and to divert the court's attention away from family violence.

Financial/economic abuse

In the name of Allah, the Merciful, the Compassionate

To men is allotted what they earn, and to women what they earn

An-Nisā' 4:32

*For divorced women provision (should be made)
on a reasonable (scale).*

This is a duty on the righteous.

Al-Baqarah 2:241

Financial abuse is behaviour that is coercive, deceptive or unreasonably controls another person, without that person's consent in a manner that denies financial autonomy or withholds necessary financial support. Examples may include:

- being forced to relinquish control over assets and income
- having your property removed or kept without permission, or threats of such behaviour
- having property that you own, or jointly own, disposed of against your wishes and without lawful excuse
- without lawful excuse, being prevented from having access to joint financial assets for the purposes of meeting normal household expenses
- being coerced to claim Centrelink payments or being forced to relinquish Centrelink payments
- being coerced to sign a power of attorney that would enable your finances to be managed by another person
- being coerced to sign a contract for the provision of finance, a loan or credit
- being prevented from seeking or keeping employment
- being prevented from learning English and attaining other employment skills, or being forced to work illegally
- being harassed at work, resulting in dismissal and/or lack of legal work opportunities
- being asked to pay for migration visa fees
- being coerced to relinquish money set aside for inheritance
- being coerced to allow access to your bank account
- theft of money you are sending to your home country to support family.

Social abuse

In the name of Allah, the Merciful, the Compassionate

Those who listen to the Word, and follow the best (meaning) in it: those are the ones whom Allah has guided, and those are the ones endowed with understanding.

Az-Zumar 39:18

Social abuse is about isolating a woman from her social and family support networks to exercise control over her. Examples may include:

- being prevented from seeing friends, family, or other people
- not being allowed to leave your home
- not being allowed to participate in social and community activities
- needing to report everywhere you have been or are going
- needing to report who you have seen or are planning to see
- having lies told about you to friends and family; attempts to turn others against you
- deliberate attempts to make you look bad or to embarrass you in front of others
- being prevented from expressing your cultural identity
- restriction of access to your car, other forms of transport, wheelchair, or mobility aids
- divulgence of your or your family's secrets to make you lose face in the community or among your friends or family
- being prevented from meeting with people who speak your native language
- cancellation of your subscriptions to newspapers and magazines in your language
- isolation from family and other supportive individuals within the community
- prevention and control of interactions with the English-speaking community
- restriction of access to communication devices such as mobile phones
- not being allowed to speak to men
- prevention of access to services unless delivered by a female (e.g. doctors)
- being forced to sign papers in English that you do not understand.

Sexual abuse

In the name of Allah, the Merciful, the Compassionate

O ye who believe! Ye are forbidden to inherit women against their will.

An-Nisā' 4:19

Ali ibn Abi Talib said:

If any one of you approaches his wife do not hurry her until she satisfies her needs as you like to satisfy your needs.

Sexual abuse is being forced, pressured or tricked into sexual acts you don't want to do; sexual abuse is behaviour that makes women feel threatened, scared or uncomfortable. Examples may include:

- rape
- deliberate infliction of pain during sex
- forced sex without protection against pregnancy or sexually transmitted diseases
- being forced to perform sexual acts
- use of sexually degrading insults
- unwanted touching
- withholding sex as punishment
- using sex to coerce compliance
- shaming or denigrating women who request or initiate sex, experience sexual pleasure or desire
- being forced to watch pornography
- being coerced to believe that forceful, non-consensual sex is a religious duty
- being threatened that citizenship or residency will be lost if you do not meet someone's sexual needs
- being accused of prostitution on legal papers.

Anas ibn Malik reported that the Messenger of Allah said:

*'None of you should fall upon his wife like an animal;
but let there first be a messenger between you.'*

'And what is that messenger?'

*His companions asked, and He replied:
'Kisses and words.'*

Musnad al-Firdaws Of al-Daylami, 2/55

Reproductive abuse and coercion

In the name of Allah, the Merciful, the Compassionate

*It is He who created you from a single person, and made his mate of like nature, in order that he might dwell with her
(in love)*

Al-A'rāf 7:189

This type of abuse refers to the prevention of women from being in control and making their own choices about their reproductive health. Examples may include:

- being forced into unprotected sex in order to increase the chances that you will get pregnant against your will
- threats to leave unless you become pregnant, threatening to have a baby with someone else or to marry another woman if you don't comply
- physical abuse because you do not agree to pregnancy
- tampering with birth control to deliberately cause pregnancy
- being forced to carry a pregnancy to term
- being forced to abort a pregnancy against your wishes
- knowingly passing on sexually transmitted diseases
- being prevented from buying the morning-after pill after unprotected sexual intercourse
- being prevented from taking pap smears or mammography tests
- being prevented from accessing reproductive health care.

Spiritual abuse

In the name of Allah, the Merciful, the Compassionate

[T]hey treat men's oppression as if it were the Wrath of Allah!

Al-'Ankabūt 29:10

It can be difficult for some Muslim women to believe that the interpretation of religion has, at times, been manipulated by men to suit themselves. For other Muslim women, it has been something that they have always known. The more aware Muslims become of their history and faith, the more Muslims realise that faith values the good conduct of its believers over their gender, equality over domination, respect over control, love over alienation, kindness over mistreatment, and finally, complementarity over hierarchy.

Spiritual or religious abuse is the use of religious belief or doctrine to justify violence, and threatening and controlling behaviour. These behaviours can include:

- using religion to normalise, minimise or justify abuse and violence
- using religion to control and claim superiority in the relationship; for example, for a man to use parts of the Qur'an or Sunnah selectively to promote his own interests
- being given incorrect or incomplete religious information that promotes only your partner's interests and needs
- having your religious or spiritual beliefs used against you
- preventing freedom of choice in your religious or spiritual beliefs
- preventing or coercing you to wear the hijab
- preventing you from participating in cultural or spiritual ceremonies or practices
- ridiculing your religious or spiritual beliefs, using your beliefs to manipulate, shame or denigrate you
- forcing your children to be reared in a faith that you have not agreed to
- threatening or joking about marrying an additional wife
- polygyny (the taking of more than one wife)
- using religion to force you to remain married by delaying or denying you a religious divorce
- using religion to justify early and/or forced marriage.

Child marriage, early marriage and forced marriage (CEFM)

Khansa Bint Khidam said:

My father married me ... and I did not like this match, so I complained to the Messenger of Allah (May Allah bless him and grant him peace).

He said to me, 'Accept what your father arranged'.

I said, 'I do not wish to accept what my father has arranged'.

He said, 'Then this marriage is invalid, go and marry whomever you wish'.

Fathul Bari Sharah Al Bukhari 9/194, Ibn Majah Kitabun Nikah 1/602

To understand why we have included early and forced marriage in this booklet it is important to develop a common understanding of what marriage, child marriage, early marriage and forced marriage mean in Australia.

What is marriage?

A marriage in Australia is a legal union between two people who:

- are at least 18 years old⁶
- are not married to anyone else at the time
- understand what marriage means and freely consent to marrying.

No matter what a person's gender, background, culture, race or religion may be, these rules apply to everyone in Australia.

⁶ *In rare circumstances, a court may allow a person aged 16 or 17 to marry. But it is always against the law to force anyone to get married.*

What is consent in marriage?

As stated above, consent is one of the key requirements of marriage. The word consent is another way of saying permission. It means that the person who is marrying:

- fully understands that a marriage is taking place
- fully understands what the marriage ceremony means
- knows to whom they are getting married
- (most importantly) freely allows, agrees to or wants the marriage.

For a marriage to take place, consent must be real, which means the person truly understands, does agree to or want the marriage in question and is free to refuse the marriage without fear, if she or he does not want to get married, or marry a particular person, or changes his/her mind before the marriage.

Islam defines marriage as a contract between two people, entered into with consent. Consent is integral to an Islamic marriage, so much so that the giving of consent is part of the Muslim marriage ceremony and the giving of consent for marriage must be witnessed by those acting as witnesses for the marriage ceremony.

Like Australian law, Islam holds consent as absolutely necessary for a marriage to be recognised.

The use of lies, tricks, threats, pressure or force in marriage is the opposite of consent. It is important to note such tactics are also key characteristics of most forms of family violence.

What is child marriage?

Child marriage is a marriage where one or both participants are under the age of 18. Increasingly, child marriage is now understood to mean forced marriage because children are not emotionally or mentally mature enough to give consent to a decision as serious as marriage. Child marriage is against the law in Australia and in a vast majority of countries all over the world, including Muslim majority countries such as Algeria, Egypt, Morocco, Tunisia and Eritrea.

Child marriage is also seen as a form of child abuse as it often involves threats, imprisonment, violence, emotional abuse, forced sex, forced pregnancy, and being forced to leave school.

In Australia, the law says that a person under 16 years of age cannot give her/his permission to have sex with an adult, so any adult who has a sexual relationship with a child under 16 can be charged with sexual assault. The child will not face any legal consequences.

What is early marriage?

Early marriage is when a young person marries as a very young adult; that is, at the age of 18 or soon afterwards. This may be by choice or by force.

Sometimes people use the term early marriage for child marriage, but in this booklet we make the difference between the two clear because child marriage is against the law in Australia while early marriage (soon after the age of 18) is not.

What is forced marriage?

I was not (exactly) forced into marriage but coerced and coaxed by circumstances because it is just what you do. It is the way it works in our culture ...

Nawal, Marrying Young, p. 10⁷

Forced marriage is when a person has been made to marry someone against their will; that is, without their permission or consent. It means creating a situation in which the person feels she/he has no choice, is trapped, and finds it difficult or impossible to refuse without severe consequences. It can also mean pushing a person who is either not old enough or not mentally capable enough (e.g. because of a mental disability) to fully understand the situation and give consent to marriage.

Forced marriage is against the law in Australia. It is not the same as arranged marriage.

Women and sometimes men, can be forced into marriage in many ways, including:

- persuasion through genuine love, affection and concern
- being persuaded that the marriage is best for everyone
- direct force including physical, emotional and psychological abuse
- emotional pressure, threats, tricks or blackmail
- isolation or marginalisation from family and community
- being told that rejection of the marriage shames their family and harms their family's standing in the community
- being told that parents have a right to make them marry without consent
- being persuaded that the marriage is important to the preservation of their cultural/religious heritage, norms and rules
- being told that the marriage is their responsibility or duty to their family
- temptation through incentives and/or bribes such as more money or freedom from strict parental control, freedom to be independent and pursue goals
- use of fear tactics about consequences if the marriage is refused, for example how the health of one or both parents may be affected (including possible self-harm).

⁷ Pratts, G & El Matrah, J 2017, *Marrying Young: an exploratory study of young Muslim women's decision-making around early marriage*, AMWCHR, Clifton Hill (Victoria)

The other form of forced marriage

In the name of Allah, the Merciful, the Compassionate

If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; and such a settlement is best; even though men's souls are swayed by greed.

An-Nisā' 4:128

When ye divorce women, and they fulfil the term of their (iddah), either take them back on equitable terms or set them free on equitable terms; but do not take them back to injure them, (or) to take undue advantage; if anyone does that he wrongs his own soul.

Al-Baqarah 2:231

In many Muslim countries, Muslim women are increasingly seeing forced marriage as not only a situation in which a woman is forced into a marriage, but additionally as a situation in which a woman is denied the right to exit a marriage by initiating a divorce process. In Australia, an Islamic marriage ceremony (unless provided by a registered marriage celebrant) and divorce proceedings have no legal standing; however, many women mistakenly believe that a legal divorce is not Islamically sufficient and they need an 'Islamic' divorce to feel 'fully divorced'.

This perception allows many men to force women to stay in unwanted and sometimes unsafe relationships by obstructing or refusing to give women an Islamic divorce. In this way, women can be said to have withdrawn their consent to remain in the marriage and are therefore in a forced marriage. Men force women to remain in marriages by:

- refusing to agree to a separate 'Islamic' divorce in front of an imam; many imams in this situation will not issue an Islamic divorce
- refusing to give an 'Islamic' divorce unless he receives sole custody of children or maintains all family assets

- not attending proceedings with an imam; refusing to provide information necessary for an imam to issue an Islamic divorce
- threatening imams who facilitate divorces for women without their husband's consent
- finding imams for the divorce proceedings who will only divorce couples with the husband's consent
- dragging out Islamic divorce proceedings over many years to ensure the social, psychological and economic stress of women as a form of punishment for ending the relationship
- forcing women to provide 'gifts' for agreeing to a divorce, such as paying a gambling debt or taking on financial debt.

It is important to note that in Muslim countries, as in Australia, only courts issue divorces and those divorces are considered Islamically binding. While courts in Muslim-majority countries incorporate shariah doctrine on divorce, they also incorporate cultural values and traditions in relation to divorce. Hence they are not wholly 'Islamic divorces' but include local tradition and practice.

Impacts of violence on women

Women are twice as likely as men to have experienced fear or anxiety due to violence from a former partner.⁸

The impact of family violence can be devastating. Research has found that family violence is the leading contributor to death, disability and illness in Victorian women aged 15–44 years. The physical impact of family violence on women can be fractures, bruises, cuts, dislocated/broken bones, hearing or vision loss, miscarriage or premature delivery, sexually transmitted diseases, suicide and death.

In addition, family violence is one of the leading causes of homelessness for Muslim women and children in Victoria.

Every woman who experiences abuse is affected in some way. The nature and intensity of this effect varies from person to person and depends on their individual circumstances. Common reactions among women include:

- blaming themselves for the abuse
- denial – pretending behaviour is not really abuse
- normalising or minimising – believing it is normal in relationships or that the abuse is not really serious
- excusing or justifying the abuse
- fear/terror
- anger/rage
- shame
- social and community isolation.

⁸ Australian Bureau of Statistics 2017. *Personal Safety, Australia, 2016*, ABS cat. no. 4906.0. Canberra: ABS.

Documented effects of family violence on the health and wellbeing of women include:

- depression
- anxiety, panic attacks
- post-traumatic stress disorder
- eating disorders
- sleep disturbances
- stress-related physical problems e.g. headaches, chronic pain, blood pressure problems
- sexual and reproductive difficulties
- dependence on drugs/medication such as sleeping pills, painkillers
- self-harm, suicidal thoughts or behaviour
- loss of self-confidence and self-esteem; helplessness.

Documented effects of family violence on relationships include:

- an inability to adequately respond to the needs of children
- difficulty parenting due to emotional and psychological distress
- difficulty maintaining/loss of close relationships
- over-dependency on others
- lack of trust in others
- feelings of abandonment
- lack of ability to be assertive
- displaced aggression channelled towards children and other family members or friends
- diminished relationships with children and other loved ones.

For Muslim women who have migrated to Australia and are in the process of trying to settle and adapt to their new country, family violence can significantly limit their capacity to meet all the challenges of settling in a new country; finding a home, finding employment, learning English and adapting to the new social and economic expectations becomes potentially unachievable.

Impacts of family violence on children

Children, even when not direct victims, are affected by witnessing family violence. This has been shown to apply even when children are not in the same room where violence occurs. Depending on their age, they are likely to react in different ways. They may try to intervene to stop the violence, or they may withdraw and feel overwhelmed and helpless. As a result of what they witness within the family, children can develop a range of emotional, behavioural, developmental, or academic problems, some of which may continue into adulthood. The range of effects can be categorised according to children's age groups.

Infants may experience/display:

- sleep and feeding disturbances
- continual fussing and crying
- an inability to be comforted
- tendency to be easily irritated or startled.

Toddlers/pre-schoolers may experience/display:

- frequent physical complaints
- difficulty going to sleep or frequent nightmares
- frequent tantrums
- clingy behaviour
- not knowing how or when to play
- general sadness
- cruel behaviour towards other children and adults.

School-aged children (in addition to symptoms experienced by toddlers) may experience/display:

- difficulty concentrating or following instructions
- consistent inability to complete homework tasks; a drop in school performance
- extreme shyness or fear of adults
- regressive behaviours such as thumb-sucking, crawling, inability to control urination
- bullying, general 'acting out' behaviour, aggression, violence
- tendency to please others and avoid any conflict in the house
- depression and/or withdrawal.

Adolescents may experience/display:

- frustration, rage, anger (especially toward one or both parents)
- self-destructive or suicidal behaviour
- frequent physical complaints
- drug and/or alcohol abuse
- delinquent behaviour such as destroying property, stealing
- cruelty to animals, small children, peers of the opposite gender
- running away
- aggressive/abusive/violent behaviour; use of weapons
- risk-taking behaviour
- depression, anxiety
- sleep disorders
- eating disorders
- withdrawal from social involvement with peers or family
- low self-esteem
- lack of respect for one (either the victim or perpetrator) or both parents
- accepting of violence in a relationship.

Impacts of violence on families

It is common to believe that violence only affects the person targeted and that effects of violence are only felt in the immediate moment. But we now know that violence has an impact on all who witness it. It has long-term effects that have the potential to damage how family members relate to each other and to profoundly affect health and wellbeing.

Potential effects on families include:

- an atmosphere of fear
- normalisation of violence
- learning of unhealthy coping and communication skills
- neglect of emotional needs
- isolation/embarrassment/pressure to keep secrets
- fragmented and unhealthy family relationships e.g. overprotectiveness or competitiveness
- absence of/limited quality family time.

Impacts of child, early and forced marriage

By the time I broke off the marriage I had endured months of seclusion. My mum barely spoke to me and my family were anxious so they stayed away. It made me feel that I was a really awful person.

Amal, Marrying Young, p.10⁹

I have knee problems, back problems and diabetes. My first child was five months when I got pregnant again and I was still a child myself.

I'm sick and depressed. I have heart problems. I suffer now from back pain as a result of babies and marriage. I had complications during my first pregnancy.

Zahra, Marrying Young, p. 12¹⁰

We are still learning from women about the impacts of early and forced marriage. In Australia, women who have married early or have been forced into marriage report negative long-term emotional and psychological impact, including feelings of loss, anger, resentment and grief. Early motherhood is one of the most adverse effects of child marriage and in some countries can lead to the death of the young mother during childbirth, and while this does not ordinarily occur in Australia, the negative physical impact of childbirth on a young body cannot necessarily be undone by modern medicine. Underdeveloped bodies are not ready for the challenges of maternity.

9 Prattis, G & El Matrah, J 2017, *Marrying Young: an exploratory study of young Muslim women's decision-making around early marriage*, AMWCHR, Clifton Hill (Victoria)

10 *ibid*

Those who marry early or are victims of child marriage are at increased risk of:

- depression
- anxiety
- early/forced sexual activity
- early/forced pregnancy and childbirth
- sexually transmitted diseases
- serious child or maternal health issues
- disrupted or premature withdrawal from education
- underemployment and unemployment
- poverty
- diminished self-esteem and self-confidence
- difficulty making decisions
- difficulty parenting
- family violence
- rape and other forms of sexual abuse.

The combination of possible physical health issues, psychological distress, limited education, economic difficulties and possibly family conflict/violence places young women in a very disadvantaged position overall and has significant impact on their entire lives.

The context of change: Some important questions

Is family violence about culture and religion?

Family violence is a universal problem. Research shows that family violence occurs in every country and society around the world. Family violence, early and forced marriage and violence towards women in general can be influenced by the practice of religion, the preservation of culture, the region of the world you come from or socio-economic status.

Culture and religion are often used by perpetrators to justify their violence or avoid responsibility for it, but that does not mean that culture and religion cause or support violence. Violence in the home, like violence outside the home, is about power, control and domination. It is often linked to men having more power in our society than women.

Throughout this booklet, we have included Qur'anic verses and hadith which reflect the Islamic position on relationships between men and women and the treatment that is expected of men towards women. In reviewing the work of Muslim scholars, it is clear that Islam does not condone the mistreatment of women or children.

Why do men use violence against their families?

Research from around the world shows that men resort to violence because it is a learned behaviour. Men who resort to violence do so because they have successfully used violence to gain power and control in the past and no one has stopped them from using it. They may have been reared in a family where violence was used to resolve conflict and disagreements, or they may have learned that behaviour elsewhere.

Violence is not a natural tendency that men can't control. This is a myth. Most men do not resort to violence towards their partners even when they are under stress, frustrated, angry or under the influence of alcohol.

Violence is not provoked. It is always the responsibility of the perpetrator, because he has the power to choose how he will behave.

Why does child, early and forced marriage happen?

In the name of Allah, the Merciful, the Compassionate

*No mother shall be treated unfairly on account of her child,
nor father on account of his child.*

Al-Baqarah 2:233

For Australian Muslims, child marriage, or marriage of adolescents and children under the age of sixteen is rare and most Muslims believe that such a marriage would constitute the abuse of a child. Nonetheless, there continues to be reasons why some families feel that applying pressure, perhaps even force, on their daughters to marry early will ultimately benefit the welfare of their child and their family. But we know now that when early marriage or forced marriage is inflicted on a young woman, it leaves her at risk of further abuse and other forms of disadvantage. Increasingly, research and women's experiences have demonstrated that lives have been harmed, sometimes devastated, by forced and early marriages, and that forcing the marriage did not deliver the benefits that parents tried to ensure for their daughters.

Because we now know of the potential consequences of early and forced marriage, we cannot ignore its impact on women's lives. This is why countries all over the world see the practice not as one that is about the honouring of cultural tradition or religious practice, but rather as a form of violence against women.

Ultimately child, early and forced marriage, like other forms of family violence, are linked to women's and men's positions in society. The power that men have over women's lives allows them to control women's and girls' behaviour, choices and decisions and to use force and violence against them.

Is it a community problem or a family matter?

Allah's Messenger (PBUH) said, 'Help your brother whether he is an oppressor or an oppressed'.

A man said, 'O Allah's Messenger (PBUH)! I will help him if he is oppressed, but if he is an oppressor, how shall I help him?' The Prophet (PBUH) said, 'By preventing him from oppressing (others), for that is how to help him.'

Sahih al-Bukhari 6952

Violence against women and their children results in major personal, government and business costs.¹¹

In Muslim communities, and communities all over the world, women continue to be primarily responsible for parenting, nurturing and the education of children. Through the care and upbringing of children, women not only hold families and communities together, but they also provide and mould society's future generations.

Hence, who women are and what happens to them in their homes will be reflected in the children they rear and the societies they create.

Societies are made up of a series of relationships. What happens in our homes extends to schools, workplaces, and other institutions. Abuse of one woman reverberates from one family member to the other – from mother to child, from sibling to sibling, across and into extended families and families of the future. Understood in this way, violence against women in the home cannot be seen as just a private family matter.

At the most basic level, women are half of the population. A decline in the status and wellbeing of women has consequences for the entire community. Therefore, family violence is everybody's business.

¹¹ d2c0ikyv46o3b1.cloudfront.net/anrows.org.au/ANROWS_VAW-Accurate-Use-of-Key-Statistics.1.pdf, accessed 21 December 2018

The documented effects of family violence on society are:

- ongoing mistreatment of women
- reinforcement and normalisation of violence
- perpetuation of a cycle of violence
- collective low self-esteem in women
- unequal gender relations
- limited workforce productivity
- limited economic development.

Why do we blame women for the violence committed against them?

In the name of Allah, the Merciful, the Compassionate

Live with them on a footing of kindness and equity.

If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good.

An-Nisā' 4:19

It is common for women to be blamed in family violence situations, and very common to believe that young women who do not want to marry a person of their parents' choice does not know what is good for them. Often women are blamed for provoking their partner's or their parent's violence. If they take action, they are often blamed for breaking up the family. If they accept the violence, they are often blamed for allowing it to continue, especially if it affects the children.

Some women feel that no matter what they do, they will be blamed.

No human being – adult or child – wants or deserves to be abused or have the basic dignity of making decisions about their lives taken away from them. No human being is unaffected by the abuse that they experience. No human being consciously gives away their self-worth, integrity, self-respect, and sense of physical and emotional safety and wellbeing.

Making the decision about what to do in response to violence from someone we love is incredibly difficult. This is especially so if women need to also consider the safety of their children or when the abuse is coming from their parents.

There is often a misconception among communities that it is the victim's departure, not the perpetrator's violence that breaks down the family and brings harm to the community. Clearly the responsibility for broken families and fragmented communities rests with the perpetrators of violence and abuse – because they can always choose to behave differently.

To blame women for the abuse they experience – or for choosing to escape it – is itself a form of abuse, one we inflict on behalf of the perpetrator.

Marriage, violence and human rights

It is now well recognised around the world, including in Australia, that both child/forced marriage and family violence go against women's basic human rights. Basic rights to safety and choice are covered in the Universal Declaration of Human Rights (1948) and the United Nations addresses both child/forced marriage and family violence in many specific conventions, especially the Convention on the Elimination of Discrimination against Women (CEDAW) which it passed in 1994. Many countries, including Australia, and others where child/forced marriage are much more common, have signed this and are under obligation to protect women and girls from violence, force and marriage before their time.

Child/forced marriage is also addressed as part of the Child Rights Convention (1990) which specifically focuses on children's wellbeing, including their rights to health and education. In 2013 the United Nations Human Rights Council also adopted a special resolution against child, early, and forced marriage.

Marriage in Islam

In many verses of the Qur'an, God speaks equally to men and women, as equal human beings: in value, spirit and in their duty to God. The holy Qur'an instructs men to treat women well, and strongly condemns men who violate women's rights.

The Qur'an contains many verses commending the appropriate treatment of women in the context of marriage and women's right to exercise their rights and duties just as men do. Several verses specifically encourage kindness to women; other verses make it clear that the relationship between men and women is to be one of kindness, mutual respect, and caring, and refer to the mandated atmosphere of mutual kindness and mercy in the marital home. The marital relationship in the Qur'an and the Sunnah is described in terms of amity, affection, kindness, mercy, tranquillity, stability and sharing of the burden of family life.

The holy Qur'an and the Sunnah censure the ill-treatment of women by men. Such ill-treatment includes: violence; taking women back after a separation in order to hurt them; and intentionally causing wives to live in insecurity, sexual abuse and forced marriages.

But perhaps one of the most compelling arguments for meaningful and respectful relationships between men and women is the conduct of the Prophet (PBUH) himself; he abhorred violence directed at women and never directed any form of violence towards women.

Seeking support: An important first step

It can take a long time to understand and identify one's experience of violence. It can take women a long time to realise that their partner's or their parent's behaviour is family violence.

For women dealing with abusive or violent husbands, moving forward can feel impossibly difficult as they grapple with concerns about leaving the relationship and its impact on themselves and their children, concerns about shelter and homelessness, or about their family's or community's response.

Similarly, young women/girls whose families are pressuring them into marriages may feel confused and fearful about how to respond, especially if the family is otherwise a caring and loving one that wants the best for their children and is not using physical force.

This is because these issues are deeply personal and involve the family and loved ones. Even when the abuse is obvious, standing up to and taking action against your partner or family members is challenging. It can be both helpful and important therefore to speak to people, whether this is a trusted friend or family member, or a professional worker with expertise in these areas. This is an important first step.

Additionally, having access to information regarding the various options available can help women make an informed decision about what to do to keep themselves and their children safe. Whatever decisions women make, it is important that they receive the right information and support.

We have included a list of services that can provide different forms of assistance. This list is not comprehensive and is designed to help you simply get started.

We acknowledge that seeking help can be a daunting experience. We are here to offer confidential support and service in helping you with information or finding the appropriate service for your needs.

Free Translating and Interpreting Service (TIS)

A free interpreting service for people who do not speak English is available to access most services:

1. Call TIS on **131 450** and ask to be connected to the service you need in the language required.
2. TIS will connect to the service and provide an interpreter free of charge

Find out more at: www.tisnational.gov.au

Support services (Victoria)

There are many professional services around Victoria that can support women in making informed decisions. These services can provide information to help you to make decisions and to assist with your immediate needs, such as support and counselling, legal aid and safe accommodation. The workers at these services are trained to listen to you without judgement and with confidentiality. The final decision about what action to take always lies with you.

Crisis services

Police or ambulance

Managing emergencies, safety and risk. Crisis response, safety concerns, specialised response to law and order issues.

Emergencies call 000

Local stations and specialist units
www.police.vic.gov.au/content.asp?Document_ID=7

Safe Steps

24hr telephone support service. Crisis support, safety planning, crisis accommodation referral for people experiencing family violence.

Telephone 1800 015 188

www.safesteps.org.au
safesteps@safesteps.org.au

Australian Federal Police

If you are a victim of forced or/ and early marriage or know someone who is contact the AFP on 131AFP (131 237) or email AOC-Client-Liaison@afp.gov.au

Or online reporting: forms.afp.gov.au/online_forms/human_trafficking_form

Lifeline

For crisis support and suicide prevention services

Telephone 13 11 14

Child Protection Crisis Line

To report concerns about the immediate safety of a child within their family unit, 24 hours, 7 days per week

Telephone 13 12 78

For general enquiries contact local services providers.dhhs.vic.gov.au/making-report-child-protection

Victorian Centre Against Sexual Assault

Crisis support, counselling, information for people who have been sexually assaulted as adults or as children.

Telephone 1800 806 292 or 9635 3688

Family violence support services

Note: family violence support services can also provide assistance if you are at risk of early and forced marriage

The Australian Muslim Women's Centre for Human Rights

For assistance to access services, advocacy and referrals.
Monday to Friday 9:00am to 5:00pm. Telephone (03) 9481 3000 or ausmuslimwomenscentre.org.au

InTouch – Multicultural Centre Against Family Violence

Specialist family violence casework support, legal and migration support
Telephone (03) 9413 6500 or 1800 755 988
or visit www.intouch.org.au

Women's Information and Referral Exchange

Information, support and referral for women.
Telephone 1300 134 130 (9:00am to 5:00pm).
Women's Information Centre: 210 Lonsdale Street, Melbourne.
Monday to Friday 10:30am to 5:00pm or www.wire.org.au

Victims Referral and Assistance Service

Provides victims of crime with access to counselling, referrals to support services and information about legal and financial assistance.
Telephone 1800 819 817

Domestic Violence Outreach Services

These services assist women and children who are enduring family violence, or escaping from violent partners. They provide practical support and information about safe accommodation options, obtaining legal advice, accessing financial entitlements, referrals to counselling and other services. Support workers specifically for children may be available through your local service.

Metropolitan Domestic Violence Outreach Services (Victoria)

Eastern Region: Telephone
(03) 9259 4200

WAYSS Frankston: Telephone
(03) 9781 4658

Northern Region: Telephone
(03) 9450 4700

WAYSS Cranbourne: Telephone
(03) 5990 6789

Southern Region: Telephone
(03) 9536 7777 or
1800 627 727
(after hours general crisis line)

WAYSS Rosebud: Telephone
(03) 5982 2863

WAYSS Dandenong: Telephone
(03) 9791 6111

Mornington Peninsula: Telephone
(03) 5971 9454

WAYSS Narre Warren: Telephone
(03) 9703 0044

Western Region: Telephone
(03) 9689 9588

Rural/Regional Domestic Violence Outreach Services (Victoria)

Geelong: Telephone
(03) 5346 8000

Mildura: Telephone
(03) 5021 2130

Warrnambool: Telephone
(03) 5561 1934

Bendigo: Telephone
(03) 5443 4945

Shepparton: Telephone
(03) 5823 3200

Swan Hill: Telephone
(03) 5033 1899

Men's Referral Service

The Men's Referral Service is an anonymous and confidential telephone service provided for men by men. It provides a central point of contact for men who want to stop their violent or abusive behaviour towards their family members.

Telephone 1300 766 491, Monday to Friday 8:00am to 9:00pm; Weekends 9:00am to 5:00pm

Legal advice

Federation of Community Legal Centres

These centres can provide details of the nearest community legal centre and intervention order court support services.

Telephone (03) 9652 1500 or visit www.communitylaw.org.au

Women's Legal Service Victoria

For women in Victoria who are in need of legal advice, information or referral, irrespective of income or assets.

Legal Advice Line: Telephone (03) 8622 0600 or 1800 133 302
(toll free for country callers)

Hours of operation: Tuesday 5:30pm to 8:00pm; Thursday 5:30pm to 8:00pm

Victorian Legal Aid Telephone Information Service

Provides free legal information service. If English is not your first language, you can call and ask to speak to someone in your own language.

Telephone 1300 792 387, Monday to Friday 8:00am to 6:00pm or visit www.legalaid.vic.gov.au

How to report if you are in or at risk of forced marriage

If you are in a forced marriage or are worried you are going to be forced to marry, please know that help is available and that you are not alone.

What you could do:

- Call 000 if you are at immediate risk of harm
- Go to a police station
- Call the AFP on 131AFP (131 237)
- Access www.afp.gov.au

If you need to talk to someone you can call these free confidential 24/7 counselling services:

- **1800 RESPECT (1800 737 732)** The National Sexual Assault, Domestic and Family Violence Counselling Service
- **Lifeline 13 11 14** Crisis Support. Suicide Prevention
- For further advice, call the Australian Muslim Women's Centre for Human Rights on (03)9481300 or email us on reception@muslimwomenscentre.org.au
- Visit www.mybluesky.org.au, call (02) 9514 8115 or text 0481 070 844.

In the name of Allah, the Merciful, the Compassionate

*For Muslim men and women —
for believing men and women,
for devout men and women,
for true men and women,
for men and women who are patient and constant,
for men and women who humble themselves,
for men and women who give in charity,
for men and women who fast (and deny themselves),
for men and women who guard their chastity, and
for men and women who engage much in Allah's praise —
for them has Allah prepared forgiveness and great
reward.*

Al-Ahzāb 33:35

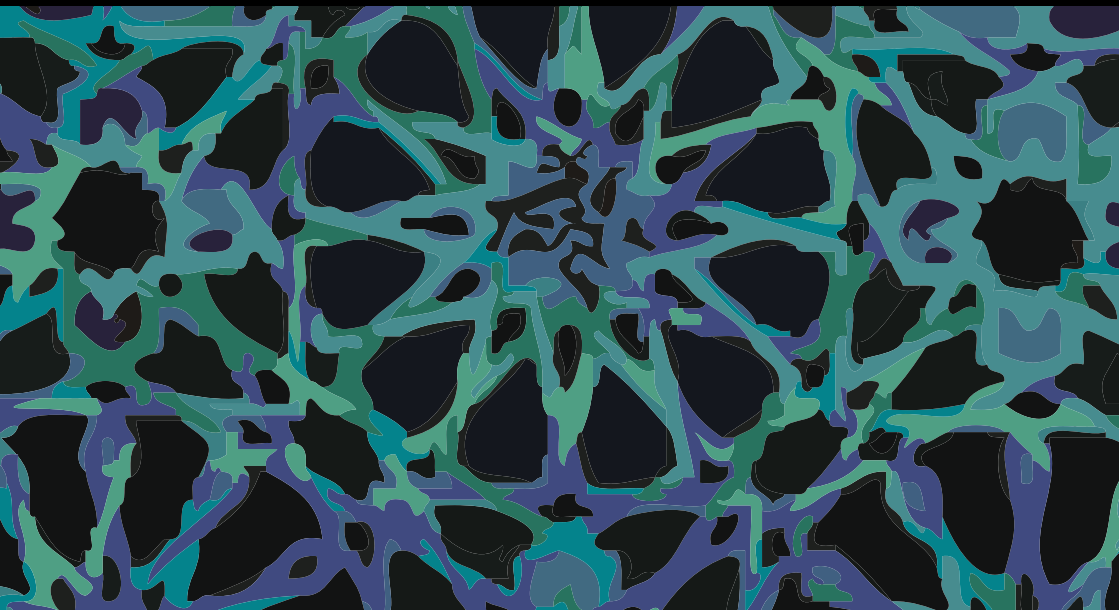
The Australian Muslim Women's Centre for Human Rights

Telephone: (03) 9481 3000

Facsimile: (03) 9481 3001

Email: reception@muslimwomenscentre.org.au

Web: www.ausmuslimwomenscentre.org.au



THE AUSTRALIAN MUSLIM WOMEN'S CENTRE FOR HUMAN RIGHTS
Equality without Exception