

Emma Davidson

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Committee Secretary, Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House, Canberra ACT 2600

Dear Committee,

I am writing to you regarding the Marriage Visa Classes Inquiry, specifically in relation to forced and servile marriage for the purpose of obtaining a visa.

I am pleased to hear that the Attorney-General intends to strengthen legislation to make it clear that marriage requires the freely given consent of both parties, and that it is not acceptable for a woman to be considered a servant or the property of her partner. That similar legislation will be, or has recently been, passed in other countries will help in the global move towards banning marriages where both parties do not freely consent, and may have an effect on reducing fraudulent visa applications in Australia.

For this legislation to achieve its objective in Australia, education and awareness programs will be vitally important, as mentioned in paragraph 99 of the Attorney-General's Discussion Paper on Forced and Servile Marriage in late 2010¹.

In 1996, when I was 22 years old, I spent over four hours on a train in country NSW next to another 22 year old woman who had four children. I held her baby for most of the trip while she tried to keep the two, three and four year old children from getting into trouble. During the trip, she talked about how she had ended up married with four children. Her father took her to Lebanon for a holiday when she was in Year 11. She had heard that she was going to be married to someone she didn't know while she was there, but she didn't know how to stand up to her father and say she didn't want this. She told me she was very unhappy but stuck with the situation. If there were specific laws against coercing a teenage girl into marriage, I could have told her where she could go for help. Instead, all I could do was hold the baby and wonder what might have been if she had been able to avoid having a baby once a year for four years.

In the late 1990's, I met a young girl aged twelve years old through my work with a government agency. I sat on the double bed in her room, with a cot at the foot of the bed, and listened to her story. When she was ten years old, her father told her she would soon be married. She thought it would be like the other girls at school who have a boyfriend that they hold hands with at lunch time. That year, he took her to his home country where she was married to her first cousin (a young adult man who wanted a visa to live in Australia). They returned to Australia, and she gave birth to their child when she was eleven years old. She was still attending primary school, but the

¹ <http://www.ag.gov.au/Documents/Discussion%20Paper%20for%20Public%20Release%20-%20forced%20and%20servile%20marriage.doc>

other girls at school were told by their mothers not to play with her anymore because the mothers didn't want their children to hear about married women's business from her (sex). The girl's husband was going to be deported because he was not eligible for a visa. She told me she was trying to decide if it was better to go with him so their child could grow up with both parents but she would not be able to go to school anymore, or to stay here so she could continue her education but her child would not know his father. These are not decisions that a twelve year old girl should have to make.

She said that if she had known what she was getting into, she would not have agree to the marriage, but now that she had a child she just had to get on with it. While in Australia, she felt that she had to stay in the marriage because she was only able to receive \$20 a fortnight from Centrelink due to the combination of her age and marriage status making her ineligible for most payments. All I could do was pass her a social worker's phone number and hope she would be OK. If there were clear laws against forced marriage, it would have been easier for me to tell her that this situation was not something she had to put up with, and refer her to someone with specialist skills to help her. Instead, I will spend the rest of my life wondering what I should have done to get her out of that situation. I don't even know if she is still alive - she may have followed her husband back to his home country where violence against women, and women's health and education standards, are worse than they are in Australia.

Members of the community, especially staff at government agencies who deal with the public, teachers, and health care professionals, all need to understand the difference between an arranged marriage where both parties consent, and forced marriage without freely given consent. We also need to know what to do if someone does talk about being in a forced marriage - who can they be referred to for support that best meets their needs?

It is important that education and awareness programs are not limited only to government, teaching, and health care professionals. Girls and women who disclose relationship problems will choose who to talk to based on a feeling of trust, not necessarily because of the person's professional role. The person a woman discloses to may be an administrative government worker, a nurse, or a school tuckshop worker, if that is who she feels safe with. By widening the community awareness program, there is more chance that women in forced marriages will receive the right support if they ask for help.

It is understandable that the focus of this Inquiry is on fraudulent visa applications and the connection with forced marriages. By putting the safety and wellbeing of the non-consenting party at the centre of community awareness programs, I believe there will be a change in community understanding of the difference between arranged and forced marriages, and attitudes towards forced marriages.

I can be contacted on _____ if I can be of any further assistance.

Sincerely yours,

Emma Davidson