



Australian Muslim Women's
Centre for Human Rights
Equality without Exception

MEDIA RELEASE

The Unintended Consequences of Australia's First Forced Marriage Conviction

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The issue of forced marriage in Australia has recently gained significant attention following the country's first conviction and sentencing for forced marriage offences. Last month, Sakina Muhammed Jan became the first person in Australia to be jailed for forced marriage since its inclusion as a criminal offence under Division 270 of the Criminal Code Act (1995) in 2013. Her sentencing coincided with the Attorney General's Department opening public consultations on the introduction of civil protections and remedies for forced marriage.

While some have heralded Sakina's high-profile conviction and sentencing as a success-story, the Australian Muslim Women's Centre for Human Rights (AMWCHR) is concerned that it will have far-reaching negative implications for women, young women, and migrant communities who may be at risk of forced marriage.

Sakina was the mother of Ruqia Haidari, a young woman who was murdered by her husband after being forced into marriage. Ruqia's tragic death is yet another case of murder in the context of family violence – something we see far too often in Australia. The man responsible, Ruqia's husband, is currently serving a 19-year prison sentence for her murder and while the ultimate responsibility for Ruqia's death sits squarely with him, we know that the events leading to her forced marriage left her at risk of family violence.

AMWCHR believes that convictions such as this do little to address the drivers of forced marriage, rather this case illustrates that those most in need of supports and protections are least served by existing services and legal frameworks. Researchers and advocates both in Australia and overseas have found that faced with the threat of forced marriage, women and girls are extremely reluctant to take steps that might lead to the prosecution of their family members. Rather than deterring others from engaging in forced marriage practices, the conviction of Sakina may instead deter those at risk from seeking support. As advocates for the rights and equality of Muslim women in Australia, AMWCHR re-affirms its long-held position surrounding the criminalisation and prosecution of forced marriage, and its broader position within modern slavery and trafficking legislation. That is, that we do not view forced marriage as a form of modern slavery, but rather as a complex form of family violence. Consequently, we firmly believe – and advocate – that forced marriage should be addressed through strengthened family violence frameworks, systems, and services.



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This conviction serves to reinforce fears of laws that appear designed to target and prosecute specific community groups. We believe that this prosecution and conviction will deter Muslim victim-survivors from seeking support in cases of forced marriage and other forms of family violence. Further, it fuels misinformation and misunderstanding about certain communities, who feel targeted and stereotyped by laws that appear to disproportionately impact their communities, while increasing the already tenuous lack of trust between communities and authorities.

It seems timely now to review and reassess the intent and impact of such laws, the important role of existing family violence protections, legislation and services, along with vital prevention work that enables culturally safe interventions. In particular, we wish to see greater focus on supporting new migrants to establish themselves with education and knowledge about local laws and rights, increased financial and material supports for families, and greater availability of specialist family violence services. We also strongly advocate for the development of family-based interventions such as mediation programs, alongside educational and behavioural change programs for those engaging in coercive behaviours surrounding marriage. We especially wish to see greater resourcing of regional areas, where services in general, but particularly those which provide culturally safe supports, are dismally lacking.

While legal supports and options should be available for victim-survivors who wish to pursue that pathway, AMWCHR believes these options can be provided through a family violence response system. Community awareness, shifting attitudes and practices, and strengthening family violence service provision should be the priority to ultimately prevent family violence in all its forms.

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