

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 22 April 2013

#### Members

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#### Witnesses

Ms T. Chopra, chairperson, and

Ms J. El Matrah, director, Australian Muslim Women's Centre for Human Rights.

**The CHAIR** — On behalf of the committee I welcome from the Australian Muslim Women's Centre for Human Rights, Ms Tasneem Chopra, chairperson, and Ms Joumanah El Matrah, director. Thank you for being before us this afternoon. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript, and please note that these proceedings are not being broadcast.

Thank you very much for appearing before us this afternoon. I note and understand that the Australian Muslim Women's Centre for Human Rights is primarily a women's advocacy group, and with our inquiry we are particularly interested in child abuse. We want to get information from you and speak with you about various groups within your community and further protecting Victoria's children. I would like to turn to the *Muslim Women, Islam and Family Violence — A Guide for Changing the Way We Work with Muslim Women Experiencing Family Violence*. That was part of our backgrounding, and that introduction says:

This recognition of diversity ensures our accessibility and relevance to all sects, schools and groups within the Muslim community.

It is my understanding that there is an absence of child abuse within Islamic faith-based settings. I would like to ask why you think the centre has not received reports of child abuse in family or religious settings. I know that you deal with a lot around family violence, but we are looking broadly across various spectrums and various groups that your community might be working with. Can you comment on that to the committee?

**Ms EL MATRAH** — I just think the community education and community-awareness raising work that one would need to do has not been done. Often you get the reports and you get the parents who are able to identify the symptoms of child abuse once they have received the information, but I think at the moment the vast majority of the community are not aware of what child sexual abuse is and that it is something that they need to be aware of and something that they may potentially need to protect their children from. So I think that the lack of awareness is probably the biggest factor contributing to the lack of reports that we have with the Muslim community. That by no means suggests that we do not think it occurs; the nature of this sort of abuse is that it is universal. We are concerned with the lack of reports that we have to date.

**The CHAIR** — Are you aware of any records or any files being kept on any forms of abuse to children?

**Ms EL MATRAH** — No.

**The CHAIR** — None?

**Ms EL MATRAH** — No. The vast majority of our work is with women. We may see children as a result of that, but otherwise we are basically seeing children in schools in a class setting, so unfortunately we really are not situated to do that work.

**The CHAIR** — Do you think it is something that the various groups within your community will start to look at — that is, keeping records? If education on this issue is heightened, or awareness is heightened and further education is undertaken, do you think groups within your community will be willing to keep those records and report abuse to the appropriate authorities?

**Ms EL MATRAH** — I think the nature of Muslim community organisations in Victoria means that the vast majority of them do not really work with children, except that they may do a bit of religious education. We have mosques and informal community organisations that may run recreational activities for their members. As for organisations like ours, I think there is only one other social welfare organisation, so there really is not the capacity, if you like, to do the work.

There really has not been government investment in this area. In the last 10 years there has been a process by government of mainstreaming its funding, and that has resulted in mainstream organisations funding, say, one organisation to do education on child abuse for all the culturally and linguistically diverse communities, and that would include Muslims. The sort of targeting you would need to get to the various Muslim communities just has not been done.

**Ms CHOPRA** — Given the sensitivities of this topic and that it is more salient now, our organisation would be well placed to receive those inquiries and receive those issues if they were tabled, but, firstly, we lack the resources, and secondly, the community lacks the awareness about how to navigate their way to an organisation that can deal with it, so it is a two-pronged process.

**Ms EL MATRAH** — I think also that, because many Muslim community organisations are so informal — they may not even have a constitution or policy and procedure manuals — they lack, if you like, the infrastructure to bring in new charters or frameworks for the protection of children, unless they are Islamic schools. I would say that there just is not the framework for them to attend to these issues in the way that you are suggesting. A lot of community organisations may be formed and a year later may not exist anymore. Additionally you might have religious leaders who may have different students who they teach Islam to, and they may do that from their home. They are not actually part of any community organisation.

I am not sure about the structures of mosques. I think that would be something we could look into, but at the moment we do not have enough information about how they are structured and what policies and programs they have around children, children's wellbeing and the supervision of children.

**Mr McGUIRE** — Thank you very much for your presentation today. I want to ask you a few questions to elaborate a bit more on what can be done in a structural way. What you are saying is that the nature of the abuse is universal, according to the evidence this inquiry has received. Then you are saying that you need to have organisational structures first of all and then more formal frameworks. Can you actually describe what this might look like if you were trying to implement such a proposition for mosques, schools and other organisations dealing with children, given that we are trying to get to a preventive position?

**Ms EL MATRAH** — I cannot speak for Islamic schools, because their structures are radically different from ours, but I think the way the community welfare sector is regulated and monitored is a good starting point. For organisations like ours we need a founding constitution. There are policies and procedures that direct and regulate what the committee of management does or what the board of management does. Staff also have policy and procedure manuals that guide their behaviour and look at things like if there is a complaint by, say, a service user or if there is an issue of abuse or harm. All of that is regulated, and all staff members are required by law to abide by those regulations.

Additionally we employ staff who are bound by their own professional bodies, so there are psychologists, social workers and youth workers who have their professional bodies, and they are regulated yet again. There are working-with-children checks and all these rules that regulate everybody's conduct in an organisation. If you bring in regulations around the protection of children, there is the infrastructure there, if you like, to fit that in, and you have professionally trained people around those issues.

I think mosques need to move more to that sort of formal structure in which an individual's conduct within an organisation is regulated and people are accountable for their conduct in a way that we would be as professionals. I think that speaks to my point earlier about the importance of building Muslim community welfare organisations that are equally part of the social welfare sector as they are part of the community. They need to be both, and both actually allow us to know what is happening in those organisations and to regulate what people do around children.

**Mr McGUIRE** — Is that an area that has been neglected by government?

**Ms EL MATRAH** — Absolutely. Historically those organisations just did recreational work, and you did not require a great deal of surveillance or monitoring. However, because some of those organisations and religious leaders have been brought into the anti-radicalisation work of Muslim youth, they have been pulled into the social welfare area much more, so their conduct, their level of expertise and their level of education all matter far more than they have historically. If you have a religious leader who gives occasional advice or who teaches children Arabic, that is very different from a religious leader who has been pulled into issues of abuse in the home, radicalisation work or advising government on what to do. That is a very different role, and it should be a far more accountable role, consistent with the level of influence the role has come to have.

**Mr McGUIRE** — How would you unpack all of that? We just heard the Anglican Church in evidence say that it was an issue for them — that it was a convergence of all these roles in the hands of a few, and therefore

accountability was difficult — so this is more than just in the Muslim community. What advice would you give the committee as to how to separate out these various highly important but sometimes conflicting roles?

**Ms EL MATRAH** — I speak purely from a Muslim perspective. Islam has never had a hierarchy of clergy. We do not have any representative body that tells Muslims about what is — —

It does not prescribe and does not proscribe conduct. From my perspective that has always been one of the more liberating aspects of Islam, that you are free in how you recognise and practise your faith, to a degree. My approach to this would be that religious organisations need to stick to the spiritual, and where we have social welfare issues, they need to be attended to by organisations in which the government has absolute power to monitor and regulate. I think if you are dealing with issues like child sexual abuse, like the beating of women, like homelessness, everything that you do to work with on these issues needs to be absolutely transparent. I have thought about this for many years. I just cannot see how that is possible with religious organisations, irrespective of their background. They are designed to be entities in and of themselves. They are designed to deal with certain things. That is not the area of government.

Most societies, Muslim societies included, have developed so that social welfare issues are things that the government attends to. Churches, mosques and other organisations may do additional work, but it is the government that legislates on what is legal and illegal behaviour; therefore they should have the power to monitor everything that is done to eradicate that behaviour.

**Ms CHOPRA** — As an extension to that, I think there is a tendency within the Muslim community's experience when there have been problems for sometimes the state to say, 'Let the community sort it out. It is a cultural issue'. We are very much of the view that the protection of women and children is the onus of the state as well, so if pathways and legislation are enabled to enforce that, as an organisation we are on board with assisting the implementation.

**Ms EL MATRAH** — The programs we have for the eradication of violence against children and women we have had for a long time now. They work. I do not think we have to reinvent anything — education, attitudinal change, a consistent approach, a professional approach. All these programs work. In fact Muslim countries have taken these programs from the west and are implementing them in Muslim majority countries, and, again, they are working. We have a lot that we can do already, we know a lot already, and I think we are actually starting from a very good place.

**Mrs COOTE** — Thank you both very much indeed for coming here today. In this morning's *Age* there is an article speaking about the Islamic Council of Victoria, whom we had in here recently. They say that the:

... Muslim group has started a community-wide training and education program about child sexual abuse after being asked to give evidence to the state inquiry.

In that evidence that they gave us they said that many members of the societies did not have child protection policies in place and found the topic confronting. In your report, *Muslim Women, Islam and Family Violence*, on page 21 you talk about some of the apprehension that women have, particularly immigrant women, in dealing with the Australian legal system and indeed with the police. Could you elaborate on whether that in fact has an implications for child sexual abuse?

**Ms EL MATRAH** — Yes. Sixty per cent of Muslims are not born here; a significant number of them have come out as refugees, or they have come from countries in which there is significant civil upheaval, even if you are not speaking strictly in terms of countries at war. So their experience of law enforcement and of the legal system is one potentially of corruption, a chaotic system.

**Ms CHOPRA** — Negative.

**Ms EL MATRAH** — Yes, it is a very negative experience. So when they come to Australia that is still a factor in them deciding to report abuse. But separate from that, there are also language issues and knowing how to relate to police. The law enforcement system and the court system is intimidating for most women, let alone immigrant women who do not understand the system and may not speak the language. We think it is a significant problem, and we think a lot more legal literacy work needs to be done. Our experience of bringing police officers to actually speak to women is that it is a very good strategy for women to basically lose their concerns over being able to speak to police about issues of violence.

**Mrs COOTE** — Do you have specific female police liaison officers for your community?

**Ms EL MATRAH** — No. There is a Muslim woman who — —

**Ms CHOPRA** — There are a couple.

**Ms EL MATRAH** — Yes, there are a couple of Muslim women who are quite good, and we have worked with one of them.

**Ms CHOPRA** — But they are stretched.

**Mrs COOTE** — They are not based in the police force. They are external women who help people; they are women from your organisation who help people? Do you have police — —

**Ms CHOPRA** — No.

**Ms EL MATRAH** — No, there are two Muslim women police officers. We have worked with one; the other one I have not worked with. A good male police officer, if we do the work and women know that he is coming and he is able to speak to women and he is good at his job, will do.

**Mrs COOTE** — With these women, particularly the immigrants, have they tended to be persuaded by faith-based issues on child abuse? What comes to mind is female genital mutilation. Is this something that, because they have come as immigrants and they do not understand the relationship here in this country, is an issue?

**Ms EL MATRAH** — That child sexual abuse is an issue?

**Mrs COOTE** — Yes.

**Ms EL MATRAH** — Yes. In Muslim countries there have not been significant public funds put towards awareness raising, so most of these women will come to Australia unaware of it. I would say religious leaders themselves would be unaware of child sexual abuse, so they are not going to be contributing significantly in that area.

I should also say that, being from the community welfare sector, I have seen the level of resources that have been put into raising awareness of abuse of children and abuse of women. That has not actually been equalled to the resources that have been put into culturally and linguistically diverse communities, so we are seeing not nearly enough work. As a Muslim woman, you could grow up here and not be very aware either, or you could come as an immigrant, spend 20 years in this country and still not have heard of child sexual abuse if you do not speak English. As I was saying before, it is really important to do very targeted, very specific and long-term work around awareness raising with women.

**Mrs COOTE** — Here in Victoria female genital mutilation is in fact illegal.

**Ms EL MATRAH** — Yes.

**Ms CHOPRA** — Yes.

**Mrs COOTE** — Is that something that someone coming as a migrant, with that being a faith-based practice, be something that they could continue to ignore, or would they understand that here in Australia that is an illegal act?

**Ms EL MATRAH** — Because FGM is not a Muslim practice, we are not seeing those complaints. I do not think FGM is understood any more among those affected communities as a religious obligation. That may be different in different parts of the world, but it is not a Muslim practice.

**Mrs COOTE** — So they would be very clear about that here, and your organisation would make that very clear here?

**Ms CHOPRA** — It is a cultural practice not a religious practice. There is a big difference.

**Ms EL MATRAH** — Yes. If you are asking whether we are going to women and double checking that information, it is just not what we are funded to do; but there are programs that do that and they may be able to speak to it.

**Ms HALFPENNY** — I want to ask something a little bit different because we are looking into, as you know, child abuse in institutions, non-government institutions and religious organisations, but I am thinking about, say, some of the emerging communities that may come from a Muslim background and they may be children in non-Muslim organisations. On this committee we have heard that in many cases of abuse it has often been where there is some sort of disadvantage associated with the family, perhaps illness in the family or one parent only who has got a number of children to look after, or whatever. Do you think with those emerging communities that there may be something extra that government needs to do in terms of raising awareness and policies to ensure that we do protect children that may have some disadvantage, different from what we have seen in the past in terms of abuse. Do you have any comments on that, or any thoughts on that? I know it is a little bit of a different angle?

**Ms EL MATRAH** — If I understand your question correctly, we have had women who have come from Afghanistan — most of Afghanistan is pretty bad but there are some parts that are just worse than others — and we have spent almost 18 months with those women, which is considered a bit of a luxury in the social welfare sector, just doing lots and lots of education with them. It was anything from parenting to Centrelink and so forth. It was only then we could start speaking to them about violence or family violence or abuse of children. In fact the only program we have been able to run on raising women's awareness of child sexual abuse and its effects was with women whom we had in fact been working with for quite a long time.

**Ms HALFPENNY** — That interests me, but it was more about people in organisations in some ways grooming or preying on a family that may have some problems. I did not mean so much in that sense, but maybe an illness in the family or something that meant that they were a bit distracted or that somebody coming to talk to them and be helpful then was embraced within the family. That was more what I was talking of in terms of disadvantage.

**Ms EL MATRAH** — I do not know. My point was that you need to spend a lot of time dealing with the levels of disadvantage before you can get women who can just take a minute out to actually look at their children and what their children might be going through, because there are caught up with so many issues related to disadvantage that they often do not have the opportunity to perhaps really be able to pick up the symptoms of abuse.

Separate from that, I am not really aware of any additional vulnerabilities which may leave families open to grooming, predators and so forth. Again, I would have to say that I would expect those things to be happening in the Muslim community, but I do not know anything about them or how they are looking at the moment.

**Mr O'BRIEN** — I am just wondering, in relation to mosque leaders, imams and the absence of a hierarchy, as I understand it, which is a significant distinction between Islam and some of the Christian religions, for example, have mosque leaders received appropriate training on the prevention and management of child abuse in family and religious settings, in your opinion?

**Ms EL MATRAH** — No, I am not aware of any program that has been run. I know they have just started to receive training on family violence, but child sexual abuse has not been part of that training.

**Mr O'BRIEN** — We have received some background material including a document media guide, *Islam and Muslims in Australia*, put out by the Australian government — —

**Ms EL MATRAH** — That is actually our publication, funded by — —

**Mr O'BRIEN** — Yes, it says it is the Islamic Women's Welfare Council of Victoria — I was going to say that next — and *You Me Australian — Living in Harmony*. It has some helpful material, particularly the section on imams at chapter 1.5. I want to just preface my next question with some of this, if I could, because it will put it into context. It says:

Islam does not have a hierarchy of clergy nor any intermediaries between God and the individual, as in some other faiths. There is no overarching authority to establish or forbid religious practices or interpretations of scripture.

...

In theory, any respectable person with sufficient religious knowledge can act as an imam ...

And it gives some examples. Then further on it says:

While the absence of a hierarchy is one of the liberating aspects of Islam, it also means different imams may preach widely varying forms and interpretations of the faith, and this can prove bewildering for anyone trying to understand Islam in Australia, much less globally. At times it has also created conflict among Muslims.

Perhaps a more general issue that occurs when a general religious description like Islam, Muslim or Christianity is labelled and there are various different groups and various different settings. Our challenge as a government inquiry in this respect is, if there is no hierarchy and if there are various different interpretations within a religion, how are we to put in place or recommend practices for that religion, for example, or for all religions and all cultural institutions and bodies, if we are not going to be working through the hierarchy. Perhaps organisations like yours or the Islamic council may serve that role to some degree, but what recommendations do you have on that question of training protocols, for example, for us to deal with the diversity of practices and views within Islam itself?

**Ms EL MATRAH** — My advice would be to focus on the community so people are very aware of what child abuse is; to focus on the community welfare organisations, who can quickly adapt and do what the government needs and provide that information; and then, lastly, to focus on religious leaders themselves because that is likely to be the least successful strategy. Also, if you are focusing on the community and doing a lot of community education and people are bringing their children up in a manner that is aware, those young people themselves will eventually become religious leaders. There is quite a thirst among Muslims for religious leaders who are Australian born. Depending on the various Muslim communities you are talking about 25 to 37 per cent of Muslims are under the age of 25, so that is really, in my view, where you would want to put a lot of your attention to. There is the Islamic Council of Victoria, there is us and there are a handful of other organisations who could do some of the education work and who could adapt and embody some of the regulation changes the government needs, and there are some Muslim leaders you can get to, but I would say that is not the priority area. I understand the government needs to do that, but I think most of your success is going to come from an aware community.

**Ms CHOPRA** — I think it is also important as a government to be directing the religious leaders to defer to community education specialists and welfare specialists for guidance on welfare-related issues and not to take charge of those issues themselves. I think it is important that, as Joumanah mentioned earlier, we delineate between the spiritual and the welfare, and if government is able to say, 'In terms of welfare these are the organisations we are supporting and endorsing to act on behalf of women and children, and on the spiritual issues, that is up to the community'. That is fine, but I think once religious leaders start to adopt the welfare model of practice things become problematic because they do not have the skill set — often the language or the cultural authority, sometimes, if they are not from here — to talk to and understand the nuances involved in dealing with communities. That is important.

**Ms EL MATRAH** — There is also no religious precedent or teaching or anything that specifically deals with child sexual abuse. I have not been able to find anything overseas, and I know there is not anything here, so there is nothing which the religious leaders can use as a springboard for a response. This would really need to be driven outside the religious institutions, I think. The Islamic Council of Victoria, I think, does already register religious leaders in terms of those who register as JPs. You can add some training to those people who are listed, but that would be a small group of religious leaders who are listed.

I wrote that piece in the media guide. What I was really trying to get across is that any man who is compelling enough to find a following in terms of his religious vision of Islam will get a following and is therefore a religious leader. That level of informality is very difficult to do anything about, and I am of the view that that will never be eradicated. That has been intrinsic to what Islam has always been, and some young people are quite attracted to those religious leaders who are not controlled by government or doing the work of government.

**Mr O'BRIEN** — I suppose a follow-up, then, is if we are looking at universal laws that apply not just to all religions where they interact with children, in particular putting the paramountcy of the child protection as the

most important principle, are there any instances you are aware of of clashes between teachings as to Islamic law or sharia law and reporting of child abuse that we need to be aware of? Obviously — —

**Ms CHOPRA** — No.

**Ms EL MATRAH** — No, nothing at all. Ninety-seven per cent of what people define as Islamic law is just difference in opinion among Muslim legal scholars, so there is nothing there that would, I think, pose any sort of challenge. Additionally, the welfare of a child is almost sacred in Islam, so you get a very receptive audience. In addition to our experience, which has been that — we have worked on many issues of violence related to women, and it has been very difficult work to do, but when we speak about violence against children people are far more receptive. Again I would say that it is a good place to start with, and I think if you are going to do any sort of training or work in this area, the Muslim community would be very receptive, despite it being taboo.

**Mr O'BRIEN** — Just to clarify on that — and I suppose it may be your interpretation of sharia law, but from your body, that is useful to our inquiry — there would be nothing to prevent a mandated reporting requirement of an instance of child abuse if someone became aware of it in an institution?

**Ms EL MATRAH** — Yes. Not just in my opinion — there is actually nothing written, so it is not — —

**Mr O'BRIEN** — So there is nothing to prevent or that would put it in conflict?

**Ms EL MATRAH** — No. It is not as if there is something written and I am giving you my opinion; it is actually that there is nothing there.

**Mr O'BRIEN** — Thank you for your evidence.

**The CHAIR** — Before we conclude, is there any further statement you would like to make to the committee, Ms El Matrah?

**Ms EL MATRAH** — No. I think that most of the issues I wanted to bring up at the committee have been mentioned, but I think this is a really good time to reiterate the importance of organisations that are part of the social welfare sector and have made a commitment to it and the importance of social welfare community organisations that have a welfare commitment. I think that child sexual abuse is one of those issues in which those organisations are extremely important in the eradication of the practice, so we would ask the government just to keep its commitment.

**The CHAIR** — Ms Chopra, would you like to make any concluding remarks?

**Ms CHOPRA** — No. Thank you for the opportunity to table this issue and for giving us the space to be able to articulate it from our point of view prior to putting through any other legislation. We appreciate that.

**The CHAIR** — Thank you. Can I on behalf the committee thank you both very much for your willingness to appear before our inquiry and for your time today? Your evidence has been most helpful. Thank you again.

**Ms CHOPRA** — Thank you.

**Ms EL MATRAH** — Thank you very much.

**Witnesses withdrew.**