

21 September 2012

Family and Community Development Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Dear Sir/Madam,

Inquiry into the handling of child abuse in religious and other non-government organisations

The National Children's and Youth Law Centre (NCYLC) welcomes the opportunity to comment on the issue of the handling of child abuse by religious and other non-government organisations.

The NCYLC is a national legal and human rights centre for children. We run an online email advice service for young people under the age of 18, as well as a legal information website called Lawstuff (<http://www.lawstuff.org.au> and <http://www.facebook.com/lawstuff.australia>). The website currently obtains over 1 million hits per year and the email advice service, accessed through the Lawstuff website, responds to approximately 1000 legal advices per year. As a largely online legal service we are able to provide preliminary assistance to those young people who cannot access traditional legal assistance.

We also complete a number of systemic advocacy projects each year and are responsible for project managing the NGO report to the United Nations regarding Australia's commitment to the UN Convention on the Rights of the Child.

As a national legal and human rights centre for children, we are concerned for the rights and protection of children from all religious and cultural backgrounds. We recognise the sexual abuse by clergy as a very grave issue and a pertinent one to this Inquiry. However, we hope that the Committee has regard to a broad range of religious organisations and takes this opportunity to address the range of sexual, physical and psychological abuse of children that may be shrouded in purported religious or cultural practices. Such abuses become relevant to the Inquiry when staff or volunteers of religious and other non-government organisations become complicit in the offending practice.

This year, the NCYLC has identified the forced marriage of young people as a key issue in Australia and as such has recently received funding from the Department of

Families, Housing, Community Services and Indigenous Affairs under the Child Aware Approaches Funding Initiative to undertake the 'Not Yours to Promise' project. Our project focuses on child forced marriage as child abuse under child care and protection legislation.

The NCYLC defines forced marriage as marriage entered into without the free and full consent of both parties. It is distinct from an arranged marriage, where the families of the spouses play a dominant role in arranging the marriage, but the spouses have the right to accept or refuse the arrangement.

A forced marriage of a child is a putative marriage of a person under 18 years of age without the free and full consent of that child, whether under a Court or customary or religious arrangement.

There is a significant number of children in Australia who are at risk of or in a forced marriage in Australia. Our research so far indicates that the victims are from a number of different religious and cultural backgrounds, and that the marriages mainly impact cultural, ethnic, and religious minorities in Australia.

Our experience in dealing with requests for advice from girls at risk of child forced marriage has revealed that there is very little knowledge, identification and coordination with regard to service responses to the needs of victims. Moreover, there is so far anecdotal evidence to suggest that incidents are not being reported as child abuse in line with the appropriate child care and protection frameworks because they are considered to be primarily religious or cultural practices.

In order to effectively address child forced marriage and provide appropriate services to victims, we believe that community engagement and education, coupled with the development of exit strategies for those in or facing forced marriage are vital.

In particular we recommend the following as key strategies:

- Community engagement and human rights education;
- Working with relevant communities to promote prevention;
- Increased access to counselling and mental health support, and to shelters and refuges;
- Educating professionals on indicators of victim identification;
- Training service providers including immigration officials, police, social workers, doctors and nurses, teachers;
- Recognising government accountability and responsibility for vulnerable potential and actual victims.

We believe a coordinated service-delivery response is vital and that best practice response guidelines are an important step towards a coordinated multi-agency response to the issue.

Finally, we would like to draw your attention to the following research into forced marriage in Australia:

- Australian Government Attorney-General's Department, Criminal Justice Division. 'Discussion Paper Forced and Servile Marriage.' (2010)
www.ag.gov.au/forcedandservilemarriage
<http://www.ag.gov.au/Documents/Discussion%20Paper%20for%20Public%20Release%20-%20forced%20and%20servile%20marriage.pdf>
- Good Shepherd Australia New Zealand 'Hidden Exploitation: Women in forced labour, marriage and migration' Available from:
<http://www.goodshepherd.com.au/sites/default/files/files/Hidden%20Exploitation%20Executive%20Summary.pdf>

If you would like any more information, please do not hesitate to contact Ms Tina Jelenic, who is the Project Officer responsible for NCYLC's 'Not Yours to Promise' project, on (02) 9385 9588 or by email at tina.jelenic@ncylc.org.au.

Yours faithfully,



Matthew Keeley
Director, National Children's and Youth Law Centre