

Date December 18th, 2009

Submission on Forced and Underage Marriage in New Zealand.

To:
Clerk
Justice and Electoral Committee,
Parliament Buildings.
Wellington

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Submitted by:

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Forced and underage marriage in New Zealand.

I wish to speak to my submission.

At a recent forum organised by Pacific Women's Watch in Auckland, a young Somali woman told her story of being forced into marriage, in New Zealand, at 14 years old. The forum was told that forced and underage marriages are occurring in New Zealand in many communities. A petition was generated from this conference, leading to the select committee consideration of this issue.

There are many reasons why we have an age limit for marriage in New Zealand. Very young girls are not considered old enough to make a decision to enter into a long term binding relationship. Where a marriage is forced, the human rights of the girl are being violated and her potential development and wellbeing is compromised.

There is evidence that it is harmful for very young women to have babies. "Babies born to mothers aged under 20 have higher infant mortality rates than those born to older mothers, according to new data for 2007 published today in the Office for National Statistics journal *Health Statistics Quarterly*." ⁱ There is also a higher risk of maternal mortality for very young mothers.

Save the Children report that there are improvements in maternal and child survival when mothers are older and have access to contraception to plan and space their children.ⁱⁱ Girls and young women who are forced into marriage will have less choice about when they have sex and the use of contraception. This puts them at risk of early pregnancy and also of not being able to space their pregnancies. This threatens their lives and the lives of their babies.

If a marriage is arranged and/or forced, sexual contact is much less likely to be consensual and may well be rape. If the girl is underage and the man is more than 2 - 3 years older than the girl, the sexual relationship is unlikely to be equitable. This rape/sexual abuse of girls and women will result in all of the problems known to be associated with sexual violence – the risk of physical harm, sexually transmitted infections, unwanted/early pregnancies, psychological problems including self harm, depression, anxiety, low self esteem and the development long term mental health problems.

Forced and underage marriages result in inequalities in power relationships within marriage. There is a huge amount of evidence that the less autonomy a woman has in a relationship the more likely that ~~there~~^{there} will be abuse occurring in the relationship. This means that women forced into marriage, underage or not, are much more vulnerable to mental, physical, and (as mentioned above) sexual violence. New Zealand has high rates of violence against women within relationships. We have invested in a national campaign to reduce violence against women and children. Legislating against the practice of forced marriage will help to reduce violence against women and children.

Early marriage generally means an end to a girl's education. Access to education is critical if girls are to have equal opportunities to achieve their potential, and to have a greater chance of gender equity within the family – thus being less likely to be victims of domestic violenceⁱⁱⁱ. Limited education also results in women being less able to provide for their families when required, and affects the well being of children. Save The Children International report that women's education is essential to ensure that they have healthy and productive children^{iv}

"A mother's influence on her child's cognitive development begins before the child is born. Her education level, health, nutritional and economic status all impact the well-being of her child from the moment it is conceived. It is often said that a mother is her child's first and best teacher."^v

Linked with cultural marriages are issues of dowry abuse and abuse of migrant women.

The number of Indian women reporting dowry abuse has nearly doubled in the past year in New Zealand. Shakti who run four women's refuges, say an increasing number of callers to its crisis line are from women of Indian origin - and two of every three reports made by these women involved dowry abuse. They also report that the abuse being disclosed is getting worse.

Dowry abuse occurs when the husband or his family continue to press the wife's family - sometimes with threats and physical violence - for more money or other gains after the marriage. Dowry was made illegal in India in 1961, but New Zealand has no laws against forced marriage or dowry abuse, and the problem is becoming widespread among ethnic Indians here. Shakti estimate the number of cases number in the hundreds.^{vi}

Migrant and refugee women experience many obstacles to settling and living safe, productive lives in New Zealand. Many women have escaped from situations of violence, scarcity, oppression and poverty. These women require support and resources to enable them to participate and to feel safe and secure in New Zealand society. This includes resources in their own languages and the opportunities to learn English, learn about NZ systems and processes, participate in education and access health and social services.

Internationally it is recognised that migration "reinforces and deepens existing gender, race and class inequalities".^{vii} This increases women's vulnerability to violence both in the family and in work place situations. Women seeking to migrate to improve the economic situations of their families are vulnerable to economic exploitation, including trafficking of women for forced labour and sex work. I know from my own work with the NZ Prostitutes Collective that women are trafficked into NZ for the sex industry. "State policies that treat trafficked women as criminals or mere victims in need of rescue and rehabilitation fail to take account of their economic agency and their human rights in the prevention, protection and prosecution of trafficking".^{viii} Therefore we urge you to address the power and economic imbalances and inequities that allow women to be enslaved, rather than just the trafficking its self.

Migrant women are less able to escape family violence because of the restrictive immigration policies forced on them. Many migrant women who live with abusive men have never had the opportunity to become residents – as being an overstayer – or reliant on the citizenship of an abuse partner, is a strong source of power and control by an abuser over his partner. If women in these situations try to leave they know they risk deportation – being criminalised – and losing custody of their children and perhaps never seeing them again.

Research tells us that in countries that have male biased immigration laws, migrant women are more vulnerable to violence. "This is because of several reasons. Firstly, where women are admitted into the country as a "dependant" on their husband's visa, the power relationships within the family shift, and there is an increase in the rates of domestic violence. Also in these situations women are unable to leave their abusive husbands because they may lose their visa. Secondly, where women are unable to secure legal migration they may resort to trafficking or smuggling and working in the informal sector where they are much more vulnerable to violence. Thirdly, where visa and migration laws do not give migrant women full access to social services such as counselling or health care, they are more vulnerable to violence. Finally, where women's visas are tied to their place of employment, they cannot leave without losing their immigration status, even if their employment situation is abusive"^{ix}

WAVES urges the Government to ban the practice of dowry, forced marriage and underage marriage in New Zealand and to look at the provision of resources to improve the resettlement process for migrant and refugee women entering new Zealand.

Thank you for considering our submission.



ⁱ Medical News Today. Infant Mortality Highest Among Babies Of Young Mothers, UK

Accessed December 18, 2009 from

<http://www.medicalnewstoday.com/articles/131185.php>

ⁱⁱ Save the Children. State of the World's Mothers 2007 Saving the lives of Children Under 5. May 2007. Save the Children. Westport, Connecticut

ⁱⁱⁱ UNIFEM. *Progress of the Worlds Women*. Cited in *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the right to Development*. Report of the Special Rapporteur on violence against women its causes and consequences. Yakin Erturk. June 2009. A/HRC/11/6/Add.6 United Nations General Assembly. Human Rights Council. Geneva

^{iv} ^{iv} State of the Worlds Mothers 2009. Investing in the early years. May 2009. Save the Children. Westport, Connecticut

^v Save The Children. State of the Worlds Mothers 2008. Closing the Survival Gap for Children Under 5. May 2008. Save the Children. Westport, Connecticut

^{vi} Hinduism Today. Dowry abuse increases in New Zealand. Hindu Press International. 2009. Accessed December 18, 2009

<http://www.hinduismtoday.com/modules/xpress/hindu-press-international/2009/05/26/>