



Position Statement: Forced Marriage

Every individual, irrespective of race, gender, religion, class, cultural background or personal beliefs has the right to choose when and whom they wish to marry. Yet, for millions of women and girls around the world, whether due to familial and communal pressure, the misuse of religious teachings or economic necessity, this is not the case.

Forced marriage is distinct from arranged marriage, and may be understood as a union:

... In which one or both people do not or cannot consent to the marriage and where pressure or abuse is used to force one or both people to marry against their will.¹

As a women's organization that is dedicated to the equality, equity and empowerment of Canadian Muslim women and our non-Muslim sister allies, the Canadian Council of Muslim Women (CCMW) **opposes forced marriage on the grounds that it infringes upon a girl's or woman's fundamental human rights.** We maintain that forced marriage represents a violation of her right to liberty, self-determination, freedom of thought, freedom of movement and freedom of expression.

Moreover, we recognize that the practice of forced marriage contravenes existing international conventions and declarations, such as *the Universal Declaration of Human Rights,² The Universal Islamic Declaration of Human Rights, the Convention on the*

Elimination of All Forms of Discrimination Against Women³ and the Convention on the Rights of the Child.⁴

We uphold that like domestic violence, femicide and FGC/FGM, forced marriage is a manifestation of patriarchy in that it seeks to exercise control over the lives and bodies of women and girls. It is often orchestrated with the intention of preventing "undesirable" sexual behavior and relationships, protecting religious or cultural ideals and upholding long term family based commitments.⁵ Like other forms of patriarchal violence, women may play a complicit role in perpetuating this abuse.

The implications that forced marriages have on the lives of women and girls are devastating, such as physical and emotional abuse, unwanted pregnancies, sexual assault, financial abuse and the end of a woman's or girl's education. In some cases, forced marriage may lead to the death of a woman or girl in the form of suicide or murder.

Reliable statistics which outline the worldwide nature and extent of forced marriage are difficult to gather, due to the informal and undocumented nature of most forced marriages.⁶ However, it is estimated that each year 14 million girls worldwide are married against their will.⁷

Within Canada, preliminary research by the South Asian Legal Clinic of Ontario (SALCO) has found 219 cases of forced marriage within the province of Ontario alone, with the victims spanning a diversity of cultural and religious backgrounds.⁸ Similarly, the Department of Foreign Affairs and Trade reports 30 known



cases of forced marriage where the agency was directly involved.⁹

As an active member of the Network of Agencies Against Forced Marriage (NAAF), CCMW does not endorse the criminalization of forced marriage in Canada. We maintain that Canada already possesses criminal laws which are sufficient to safeguard and prosecute acts associated with forced marriage in order to protect victims, including: kidnapping, forced confinement and duress etc. Moreover, we are equally concerned that criminalization will push the practice underground and further perpetuate the stigmatization of racialized Canadian communities.

As an organization of believing Muslim women, CCMW is committed to a gender equal understanding of Islam and its traditions and texts. We therefore maintain that **any form of violence** committed against women in the name of Islam **cannot be tolerated**, and violates the tenets of our faith.

We uphold that the marriage of a woman or girl against her will directly contravenes Islamic teachings as laid out in the Qur'an.¹⁰ Surah An-Nisa (4:19) explicitly states:

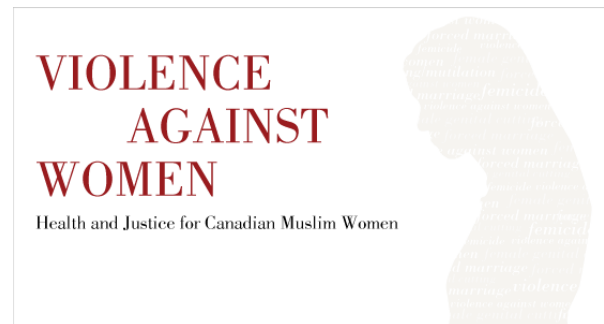
O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness . . .

While obedience to one's parents is a central teaching within the Islamic faith, this does not translate into a child's blind submission over who one's marriage partner is. A *nikah* or marriage within Islam is a social contract,

intended to fulfill both partners' emotional, physical, and spiritual needs,¹¹ which cannot lawfully be entered out of compulsion. Arguably, a woman is unable to obtain spiritual growth or fulfillment with her spouse if such a union is entered outside of free-will.

Accordingly, CCMW maintains that forced marriage is an un-Islamic practice, which is to be denounced and actively resisted by religious leaders, Canadian Muslim communities and the wider Canadian population. It is our hope that any collective opposition to forced marriage reflects a spirit of collaboration and dialogue that will lead to action, with the overarching goal of eradicating violence against all women.

This position paper is part of CCMW's project with the Status of Women Canada, *Violence Against Women Health and Justice for Canadian Muslim Women*.



For more information about the project and our resources including our publication and fact sheets visit: www.ccmw.com
Email: info@ccmw.com
Twitter: @CCMWCANADA
Facebook: /CCMWNational



Endnotes

¹ Conversely in an arranged marriage families play a leading role in choosing the marriage partner, this can include introducing the two parties or accompanying them on dates. However, the choice of whether to enter the marriage is left to both individuals and is both free and informed. This is not the case in forced marriage where choice and consent is absent.

Government of Canada. "Forced Marriage." 22 Mar. 2013, *Government of Canada*, 4 Feb. 2013 < <http://travel.gc.ca/assistance/emergency-info/forced-marriage>>

² Article 15 of the Universal Declaration of Human Rights explicitly states that "Marriage shall be entered into only with free and full consent of the intending spouses".

³ The United Nation's Committee on the Elimination of all forms of Discrimination against Women, General Recommendation Number 21 establishes that, "State parties shall ensure on a basis of equality men and women, the same right freely to choose a spouse to enter into marriage only with their free and full consent."

⁴ The practice is also violates the International Covenant on the Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

⁵ Pam Cross, [Violence Against Women: Health and Justice for Canadian Muslim Women](#). (Toronto, The Canadian Council of Muslim Women: 2013) 112-113.

⁶ Cherly Thomas, "Forced and Early Marriage: A Focus on Central and Eastern Europe and Former Soviet Countries with Selected Laws from other Countries." 28 May 2009, *United Nations*, 11 Jun 2014 <http://www.un.org/womenwatch/daw/egm/vaw_legislation_2009/Expert%20Paper%20EGMGPLHP%20Cheryl%20Thomas%20revised_.pdf>.

⁷ Human Rights Watch, "Q&A: Child Marriage and Violation of Girls' Rights," 14 Jun 2013, Human Rights Watch, 11 Jun 2014 < <http://www.hrw.org/news/2013/06/14/q-child-marriage-and-violations-girls-rights>>.

⁸ Maryum Anis, et al., "Who/If/When to Marry: The Incidence of Forced Marriage in Ontario." Feb 2012, *South Asian Legal Clinic of Ontario*.

⁹ Department of Foreign Affairs *Round Table Discussion on Diaspora Communities and Canadian Consular Services*, 28 Jan 2014, Toronto Ontario.

¹⁰ Asma Barlas. "Challenging Violence Against Muslim Women" in Pam Cross, [Violence Against Women: Health and Justice for Canadian Muslim Women](#) (Toronto, the Canadian Council of Muslim Women: 2013) xvi-xvii.

¹¹ Surah Ar-Rum (30:21) in the Quran clearly describes the sacred nature of marriage by stating:

And among His signs is this that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your hearts: Verily in that are signs for those who reflect.