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YOUTH AGENCY AND THE CULTURE OF LAW: A CANADIAN CURRICULUM ON FORCED MARRIAGE

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OVERVIEW

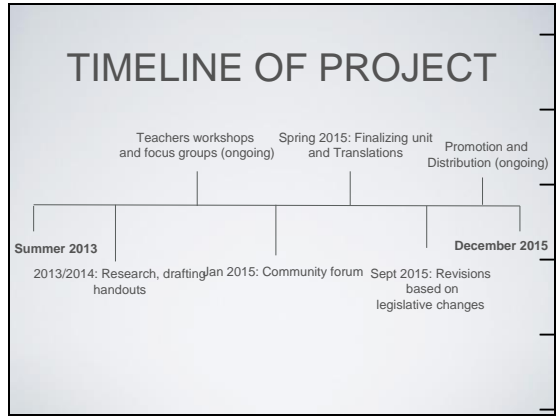
- Project background - Anver Emon
- Curriculum content, design and development – Persia Etemadi
- Community consultation and legislative revisions– Persia Etemadi
- Teacher consultations and student workshops – Sarah Pole
- NGO and community engagement – Deepa Mattoo

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PROJECT CONTRIBUTORS

- Funding:
 - Department of Justice
 - University of Toronto Faculty of Law
 - University of Toronto Faculty of Social Work
 - LAWS
- Professor Anver Emon, Faculty of Law – Project director
- Allan Hux, Former TDSB Curriculum Specialist – Curriculum design advisor, teacher notes drafter
- Persia Etemadi, JD/MSW Student – Principal drafter
- Sarah Pole, LAWS – Piloting through teacher’s focus groups and student workshops
- Deepa Mattoo, SALCO – Community and resource support
- Andrea Sobko, Ontario Justice Education Network (OJEN) – Teachers’ training, implementation, and promotion

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PROJECT BACKGROUND

- Situating forced marriage in Ontario amid Canadian conservative politics and international tendency toward legislation
- Need for a long-term and education-oriented approach to addressing forced marriage among the most at risk: youth
- At the same time, encourage youth to develop a sense of their own civic engagement and responsibility to themselves and others

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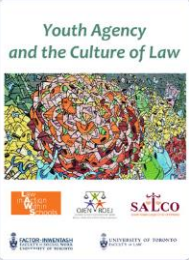
PROJECT OBJECTIVES

- Introduce students to the legal rationales for why and how the law treats youth and adults differently: how does the law consider youth capacity and autonomy?
- Support critical thinking skills as students reflect on the law's culture around youth and capacity
- Apply these skills to complex and controversial topics: forced marriage and emancipation

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THE CURRICULUM

- Target audience: youth between 15 and 18
- Contained curriculum unit that can be used by teachers in Grade 11 and 12 law, civics, history, social studies, gender studies, etc.
- Additional use in the community, including with language-specific populations (French, Punjabi, Arabic, Urdu)
- Hosted by OJEN:
<http://ojen.ca/resource/8898>



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CURRICULUM CONTENT

- Descriptions of the relevant concepts and laws
- Historical rationales for age-based laws
- Examples of legal cases involving youth: in-depth discussion of judge's reasoning, including excerpts from decisions
- Hypothetical case studies involving youth
- Examples from the media, including links to articles and op-eds
- Discussion questions to foster critical thinking
- Links to international law (UN treaties and conventions)
- A graphic novel illustrating moving and real-life inspired stories of forced marriage
- Resources: where to go for assistance depending on the situation and context

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CURRICULUM MATERIALS

- Student Handouts:
 - Age of Majority
 - Age of Marriage
 - Guardianship
 - Special topics: [Emancipation or Leaving Home](#) and [Forced Marriage](#)
- *My Choice: Who, If, When to Marry* – a graphic novel published by SALCO
- "Against their will," R. Browne, *Maclean's*, 12 Jan 2015
- Resources for youth
- Teacher's lessons based on material in handouts, graphic novel, and *Maclean's* article

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HANDOUTS: KEY QUESTIONS AND INSIGHTS

- **Age of Majority:** why does the law set specific ages for when youth develop certain rights/capacities? Is this fair?
- **Guardianship:** what does it mean to be the guardian of a minor and why is this necessary?
- **Age of Marriage:** what are the legal requirements/restrictions for getting married? What are some of the reasons that people might choose to get married?
- **Emancipation:** what are the various ways that a youth can leave the care of their parents? What are the hurdles/risks in doing so?
- **Forced Marriage:** what is a forced marriage? How might people be forced into marriage? What does the law, including international law, say about forced marriage? What might coercion look like? What does consent look like? How does divorce and annulment work?

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KEY CASES

- *Manitoba (Director of Child and Family Services) v C(A)*: a "mature 14-year-old Jehovah's Witness argues that she should be able to refuse medical treatment that would save her life. The statute provides that a court can make a decision that they consider to be in the child's best interests.
- *Makayla Sault*: 10-year-old First Nations girl who decides to stop receiving chemotherapy and use traditional medicine instead
- *Letourneau v Haskell*: 16 year old unable to live with mother because of stepfather's alcoholism, and not welcome in his father's home. Moves out at 16 years of age. Are his parents obligated to continue to financially support him?
- *(A) v S(A)*: "A", a 16 year old girl in Ontario was pressured into marrying "S" by her mother and stepfather. "A's" stepfather had sexually abused her in the past. "A" married "S" but shortly after applied to the court to annul her marriage.

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IT'S MY CHOICE: WHO, IF, WHEN TO MARRY (SALCO, 2012)

- Uses vivid and moving stories of young people experiencing forced marriage in a South Asian context to engage students emotionally
- Themes: guilt, betrayal, shame, fear, strength, independence
- Maya: "The worst day of our lives was the day we got married."
- Ash: "I was ridden with guilt and shame. I couldn't say no to her."
- Students are encouraged to apply their legal knowledge to the scenarios



*It's My Choice:
Who, If, When to Marry*

<http://ojen.ca/resource/8898>

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AGAINST THEIR WILL: INSIDE CANADA'S FORCED MARRIAGES
RACHEL BROWNE, JANUARY 5, 2015, MACLEAN'S MAGAZINE

- Involves true stories of forced marriage in an Orthodox Jewish community, Christian sects, and involving a trans woman from Mexico
- Counterpart to graphic novel's focus on South Asian examples
- "Elizabeth": raised in the Christian Open Brethren movement, forced to marry a church leader at age 25, accessed community support services in Toronto

"I felt damned if I do (get forced into marriage, because I am a lover of freedom), and damned if I don't (get married 'in the lord,' because I could not function in a Brethren society, and there are some things about the way of life I enjoy). It's like being sawn in half and torn between two realities—painful. It's mental torture. I felt trapped."



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COMMUNITY CONSULTATION: THEMES

- Positive, empowering orientation
- Anti-oppressive language, frameworks
- Emotional knowledge versus legal knowledge
- Additional or future directions: consent and sexual assault; immigration
- Tensions: community use versus classroom use

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BILL S-7, ZERO TOLERANCE FOR BARBARIC CULTURAL PRACTICES ACT

- Introduces sweeping changes to immigration laws, criminal laws, and marriage laws:
 - Amends the *Civil Marriage Act* to set out an absolute minimum marriage age of 16 across Canada
 - Introduces new criminal offences under the *Criminal Code*: it is now illegal to celebrate (to officiate, with or without legal authority), aid or actively participate in a marriage ceremony knowing that one of the parties to the marriage is **marrying against their will** OR is **younger than 16 years of age**
 - Under the *Criminal Code*, it is also now an offence to remove from Canada a person under 18, who is ordinarily resident in Canada, for the purposes of forcing that young person to marry in another country
- The bill has provoked considerable criticism, activism, and debate

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ADDRESSING LEGISLATIVE CHANGES IN THE CURRICULUM

- Assistance from Department of Justice, Family, Children and Youth Section
- Introducing the bill title, the changes, their effects on the law
- Describing reactions to the bill, rationales for its support and criticism
- Provoking debate and discussion around the changes, the title, and the problematic implications of the bill
- Tensions: the law is always changing. Opportunity to involve students in this process.

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LAW IN ACTION WITHIN SCHOOLS (LAWS)


- Education engagement partnership between University of Toronto Faculty of Law and Osgoode Hall Law School at York University.
- 7 partner high schools in Toronto District School Board (4th largest in North America).
- Annually serve 1200+ youth facing personal and systemic barriers to success in school and in accessing postsecondary education.
- Very diverse students, culturally & ethnically. Many are new to Canada or first generation Canadians.
- Justice themed 3-year program, in-class and extracurricular activities.



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TEACHER FOCUS GROUPS

- Overview included as part of annual LAWS full day teacher and guidance counselor professional development
- Workshops at provincial law and social science teachers' conferences
- Received positively
- Participants indicated that forced marriage was an issue for their students but they felt unsure of how to help them or how to address the topic in their classes
- Materials relevant and engaging.
- Suggested increased cultural diversity and ability to include positive aspects of cultural practices.



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STUDENT WORKSHOP PILOTS

- Piloted in different contexts/schools
 - Multi-school Conferences
 - Westview SS Grade 11 Law
 - Central Technical School Grade 11 Law


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60 MINUTE WORKSHOP FORMAT

- Youth agency – what decisions do you make yourselves and who else influences other decisions?
- What is marriage?
- To get married in Ontario:
 - Age
 - Consent of both parties
 - No kinship
 - Not already married
- Why do people get married?
- Definitions – forced marriage, arranged marriage, duress, consent etc
- What and who would influence YOUR decisions to get married
 - Social and cultural expectations
- Case studies
 - Read then think/pair/share
 - Worksheet – what were the positions of the youth, the parent, the community? What options did the youth have? What were the legal issues?
 - Presentations from each case study
- Wrap –up
 - Law and legal protections law, options for people facing forced marriage, helpful agencies, questions, feedback

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STUDENT REACTION: GOOD




- Learning about REAL cases of people forced to marry, not FAKE cases
- Case studies!
- The people and religions were all different
- Discussing why people get married and what pressures people face. I liked brainstorming.
- I didn't know this stuff happened in my community.
- This story described my dad perfectly!
- Interactive!
- Being able to share my thoughts.
- Learning about the legal issues.
- Comics!
- Options!

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STUDENT REACTION: NEEDS WORK

- Needs games! (?)
- Real but brutal and sad stories
- It was a little deep for me
- I wanted time to read each of the stories myself
- You made me write a lot




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OTHER FEEDBACK...

- In all workshops, many student questions.
- Two more partner schools have requested the workshop for December and January
- A 'no' from one partner high school
 - "paints a whole community with the same brush and it is not a message she [principal] would like our school to send to our community"
- Reinforced need to provide students with both the information and the ability to assimilate it into their personal realities.
- Context:
 - Very diverse community with high proportion of newcomer students.
 - Strong reaction in the school community to Ontario's new sex-ed curriculum
 - Physical attacks on Muslim parent outside the school following Paris attacks

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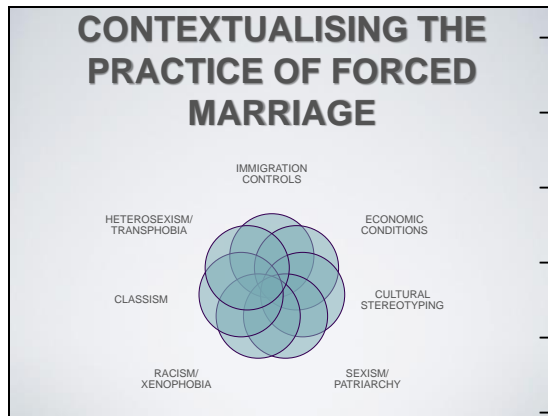
INSTITUTIONS, COMMUNITIES, AND SERVICES

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THE FORCED MARRIAGE (FM) PROJECT

- Mission: Beginning a dialogue around the issue of forced/ non-consensual marriages in order to:
 - Prevent Coercion
 - Promote Safety, and
 - Build Community Accountability
- FM Project Advisory Committee
- Network of Agencies Against Forced Marriages (NAAFAM)

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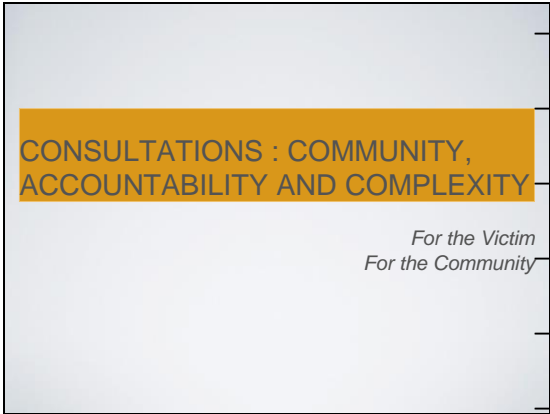
FORCED MARRIAGE CAN BE ADDRESSED BY:

- Taking an anti-racist/ anti-oppressive approach
- Institutional commitment to fighting violence/ abuse of human rights
- Building public and community accountability
- Creating safe spaces that encourage open and inclusive dialogue
- Prevention-focused initiatives across communities
- Engaging with both youth and parents/ caregivers/family members in separate spaces
- Ensuring service to both men and women; of all sexual orientations

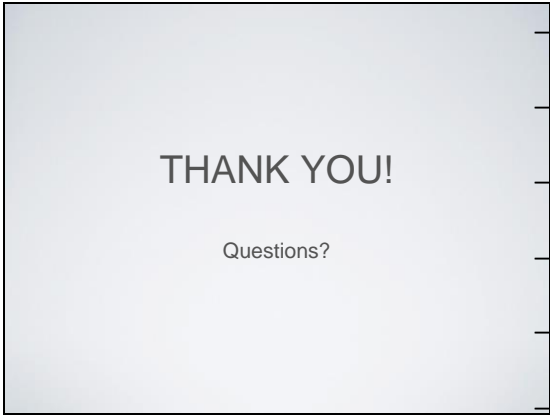
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SOURCES

- South Asian Legal Clinic of Ontario (SALCO)
REPORT: Who, If, When to Marry: The
Incidence of Forced Marriage (2013) in Ontario
by Maryum Anis, Shalini Konanur, and Deepa
Mattoo
- Youth Agency and the Culture of Law
curriculum: <http://ojen.ca/resource/8898>
