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Early and Forced Marriage in African Immigrant Communities – Research and Best Practices

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Tahirih's Forced Marriage Initiative

In 2011, Tahirih launched the:


- **Forced Marriage Initiative**
- **National Network to Prevent Forced Marriage**

in response to the findings of Tahirih's Survey on Forced Marriage in Immigrant Communities in the United States.

This webinar is part of a quarterly series.



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Giving Voice To Our Potential

A CLOSER LOOK AT FORCED & EARLY MARRIAGE IN AFRICAN IMMIGRANT COMMUNITIES IN NEW YORK CITY

Sauti Yetu Center for African Women
Occasional Report, Vol. 3, 2012
Dr. Ramatu Bangura,
Program Director
Girls Educational & Leadership Initiative

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ABOUT SAUTI YETU

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Sauti Yetu means "OUR VOICES"

Sauti Yetu is a multi-service community organization dedicated to mobilizing African immigrant women to improve the quality of their lives, strengthen their families and develop their communities.

Sauti Yetu's direct services, public education, and advocacy promotes immigrant girls' safe transitions into adulthood, curbs violence in the family, and gives poor and low income immigrant women access to life skills and leadership opportunities.



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Programs & Services

Sauti Yetu provides culturally and linguistically responsive services in four program areas:

- Violence Against Women and Girls
- African Girls Empowerment Program/GELI
- Children and Family Services
- Preventing Female Genital Cutting



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GELI Program Overview

- Sauti Yetu Center for African Women and Families has a *Girls Educational and Leadership Initiative (GELI)* Program which provides academic and emotional support to immigrant African high school age girls (14-21 yrs. old).
- Through work in GELI and CFS they have encountered many challenging situations of early and forced marriages and have often struggled with the lack of adequate legal protections/protocols to help these girls.



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Our first girls group

10 girls.

9 married.

7 versions of marriage.



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ABOUT THE REPORT

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The Purpose

- Inform emerging policies & practices on early & forced marriage
- Highlight the lived experiences of African immigrant and refugee young women facing pressures to marry




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Kusanyika Yetu, Ukwazi, Ukwazi

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The Research

Methodology	Participants
<ul style="list-style-type: none">• Ethnography<ul style="list-style-type: none">– Semi-structured interviews– Participant diaries• Participatory Action Research<ul style="list-style-type: none">– Focus groups• Textual Analysis<ul style="list-style-type: none">– Case notes– Client demographics	<ul style="list-style-type: none">• 30 West African young women• Ages 15-21• 15 unmarried• 13 married• 1 unmarried -> married• 1 separated

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**EARLY & FORCED MARRIAGE
IN NYC**

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New York Age and Consent Requirements

- 18 years or older: No consents required
- 16 or 17 years old: Must present written consent of both parents
- 14 or 15 years old: Must present written consent of both parents and a justice of Supreme Court or judge from Family Court
- Under 14 years old: Marriage license cannot be issued

Parents, guardians or other people consenting to the marriage of a minor **must personally appear** and acknowledge or execute their consent before the town or city clerk.




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Child Welfare Issues

Endangering the Welfare of a Child
 NY Penal Code § 260.10: A person is guilty of endangering the welfare of a child when the person knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than 17 years old.

- Person can be any adult-not limited to parents or guardians
- Class A misdemeanor with minimum 1 year sentence
- Must "knowingly" act in a way that would injure welfare of child




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Child Welfare Issues

People v. Benu, 386 N.Y.S.2d 222 (1976)

- New York court found father, Ibrahim Morris Ben Benu, guilty of endangering the welfare of his child. Father arranged for the marriage of his 13 year old daughter, Fatima, to a 17 year old spouse
- Father made his apartment available for the marriage ceremony, procured a person to solemnize the marriage and gave the couple money to leave NY
- Father's active participation in the marriage illustrated that he knowingly played an active role in the ceremony and thus endangered the welfare of his minor child.
- Child's consent to marriage was NOT a defense

Main point: In New York, parents may be found criminally responsible for endangering the welfare of their child by arranging the minor child's marriage particularly if the child is under 14 years old.



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Officiating & Documenting the Marriage

- Elder family members
- Religious leaders
- Community leaders (cultural and social associations, etc.)
- Abroad in absentia of one or more parties
- Rarely are marriage certificates obtained



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Early Marriage Trends


- Polygamous families
- Age difference in the marriage that is substantial
- Marriage occurs both here and abroad
- There would be implications for the extended family members if the marriage is unsuccessful
- Girls married young and have no support (parents are deceased or they are an unaccompanied minor)
- Marriage occurs with girls not in school/intervention may occur elsewhere i.e: hospital
- Marriage is usually consensual on the part of the young woman to escape some other form of abuse
- They have children very early on in the marriage
- When they are married under 18 they may have previously met their spouse



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Prevalence in NYC

- No research available on prevalence
- What we know
 - New York City is home to 172,709 African born people (2011)
 - Of the youth served in our youth program GELI, nearly 30% identify as married or engaged
 - Three of the Hotspots are among the most heavily represented in Sauti Yetu's clients



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Why is the decision made?

<p>Family/ Community</p> <ul style="list-style-type: none"> • Stability and secured future for child and grandchildren • Prevention of any behavior that might embarrass the family • Securing bonds with other families • Support in old age 	<p>Girl</p> <ul style="list-style-type: none"> • Stability and secured future • Increased stature in the family and community • Peer pressure • Increased freedom of movement • Staying in good graces of family and community • Extensive support with child rearing and household duties/events
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How is the decision made?


- Families may make the initial choice of a potential spouse
- The young woman may have a say on whether she likes the man or not
- The young woman may have the option of choosing a spouse as long as he meets the parameters of the family



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Some Considerations


- Some immigrant and refugee African families in the US do not realize that they are breaking the law by having their daughters marry too young.
- These parents may not be aware of the proper legal procedures they are required to follow based on the girl's age. This transpires because early marriage is prevalent in some African countries.
- Not all situations of early or forced marriage have a victim (young girl) and perpetrator (parents). In some instances the young girl is ambivalent about getting married and would not mind having an arranged marriage but would like to wait or finish school.



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Immigration changes things...

- The threat of "American-ization" adds more incentive
- Decisions are made transnationally
- Marriage used as an immigration tool and a factor in spouse choice
- Poverty complicates the decision to marriage




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Risk Factors

- Country of Origin, date of arrival, urban vs rural, and level of acculturation
- Family history (polygamy, early marriage, age difference between parents)
- Little support or family/community connection (unaccompanied minor)
- Pattern of behavior problems
- Lack of concrete future plans
- Idealized view of marriage
- Economic status of household



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OUR RESPONSE

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What do the girls want?

- Education
- Postponed marriage
- Some independence
- Family & community approval
- ...it all



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Where do the girls go for help?


- Teachers
- Family Allies
- Youth organizations
- Hospitals



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Look beyond the marriage

- Is this really a housing issue? An immigration issue? An issue of income? A parenting issue?
- Relieve pressure to marry by addressing the real issue




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Ask the right questions

"They don't know my culture. They think I can just say no and it's that easy."
—Binta (age 16)

- 18 doesn't change things
- If she is married, her health, social, educational, and economic needs are different
- Assess the family relationships



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Use the community


- Find an ally within the family or community
- Family mediation to negotiate best interests
- Parents are not always the enemy
- Find out who is making the final decision



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Promote future plans


- Secondary education most strongly associated with reduced prevalence of child marriage
- Decisions of whether or not to consent to marriage depend largely on the prospects young women see for their futures



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A marriage might already be in process if...


- Travel date to Country of Origin set (especially at odd time)
- Change in family dynamic
- Wishful statements beginning with, "If you were married..."
- Sudden interest in girl's appearance
- Buying expensive cloth or clothing
- Encouraged to communicate with an older man frequently
- Change in income



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Keep in mind:

- She may not always know she is getting married
- If she does know, she may not tell you
- She may already be married and be keeping a secret



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Recommendations for future work

- Community dialogue & mediation
- Culturally-specific coordinated interventions
- Targeted resources and opportunities
- Community-specific data collection



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Empowering African Women

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For information on upcoming webinars, trainings, and news about forced marriage in the United States, please sign up for the:

National Network to Prevent Forced Marriage & Forced Marriage Newsletter

at Tahirih's website:
www.tahirih.org/advocacy/policy-areas/forced-marriage-initiative/
Or contact: FMI@tahirih.org



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