

Responses to Domestic Violence in Islamic Community Processes of Divorce in Australia

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> Overview

- > How do Muslim Families deal with Family Law Issues?
 - > Informal Islamic Community Processes of Divorce
 - > Overview of Our Study
 - > Major Theme: Domestic Violence
 - > Challenges of Domestic Violence faced by Imams (as service providers)
 - > Summary
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> How do Muslim Families Deal with Family Law Issues?

Problems in Marriage

Informal Islamic Community Processes

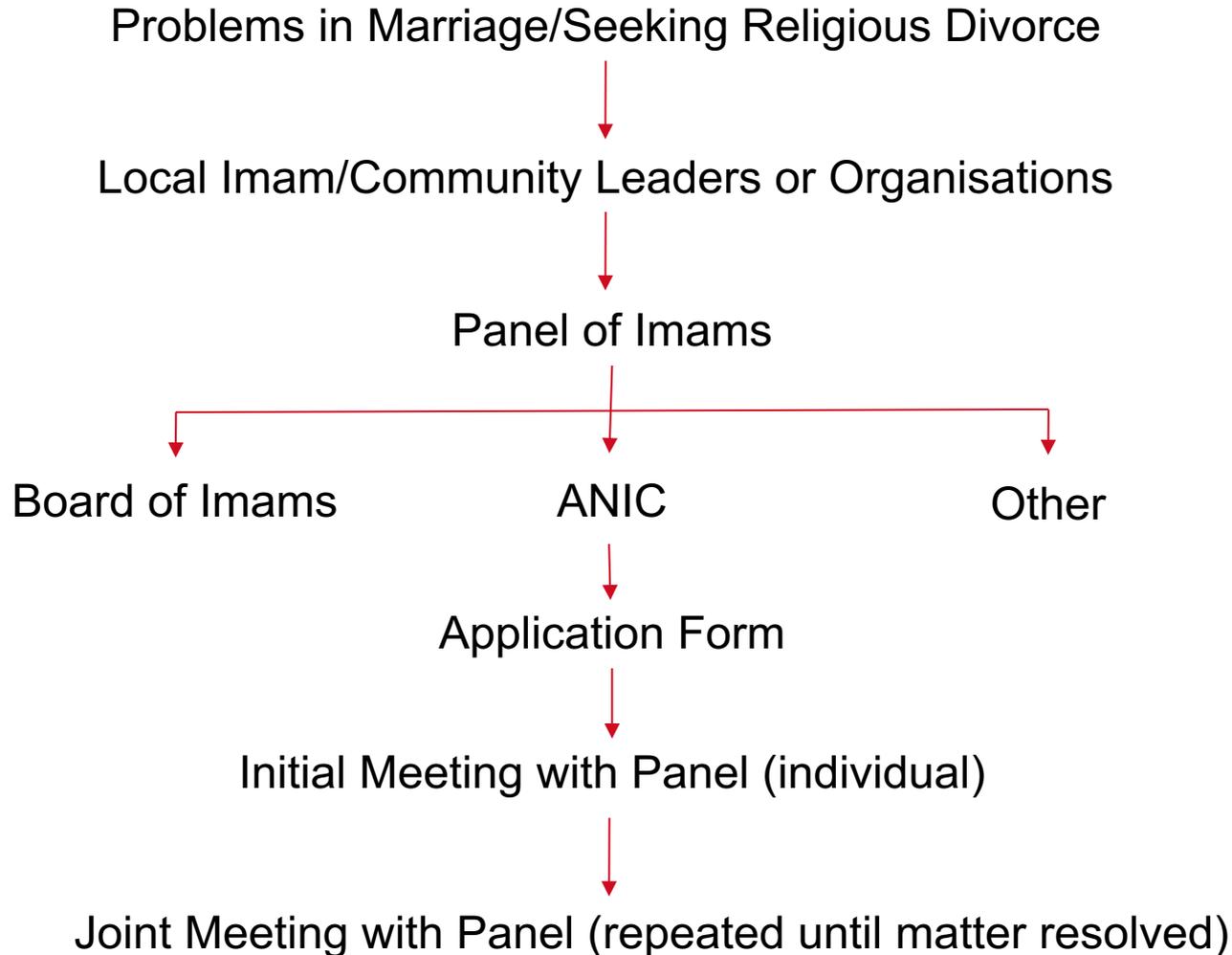
- Islamic Divorce
- Arrangements for Children (*not binding*)
- Property (Mahr) (*not binding*)
- Advice

Family Intervention

- Mediation
- Reconciliation
- Support

Lawyers

- Civil Divorce
- Mediation/FDR
- Arrangements for Children
- Property (Mahr)
- ADVOs



› Informal Community Processes

- › Processes in Australia are **informal and unregulated** compared to that of Canada and the UK
 - › There are **differences in the way various cultural groups use these processes.**
 - Some don't use community processes at all
 - › In western countries there are **no 'qadi' or 'judges'** to make decisions in family law disputes.
 - **Local imams have taken on this role**
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A Women's Process

- › Why a *women's process*?
 - Need for religious divorce – When Husband doesn't issue 'talaq' (divorce)
 - Unregistered marriages - closure

- › Many Muslim women whose marriages are registered in Australia **also seek a civil divorce** via the Courts.

- › Many women opt for the **civil court processes to resolve children & property issues** (though Imams provide guidance).

- › Many Muslim women **lack requisite knowledge of Islamic family law principles** including at times their rights.
 - Accordingly, **Imams play a critical role** in advising on family law matters in the context of family disputes.

Our Study

- › 3-year empirical study
 - › University of Sydney, University of Melbourne & ARC-Funded
 - › Research team:
 - **Melbourne:** Dr Farrah Ahmed, Prof Caroline Evans, Prof Helen Rhoades
 - **Sydney:** Dr Ghena Krayem, Dr Helen McCue, Tamana Daqiq
 - › **Methodology**
 - Advertised research via **website/emails/social media** across **community organisations/individuals/professionals**
 - Interested **individuals registered to partake** in the study
 - **Follow-up intake process** to gather background information (cultural background, education, role, length of time in Australia, religiosity) and determine suitability, book in interview
 - Interviewed **50 participants across Sydney & Melbourne** – diverse cultural backgrounds
 - Participants were individuals (all women) who have **gone through informal Islamic community processes of divorce**; community leaders, Imams, professionals (lawyers & psychologists)
 - Interviews recorded and transcribed
 - Analysis in progress
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Major Theme: Domestic Violence

- › **Key Question:** *What was your experience of informal Islamic community processes of divorce?*

 - › Across interviews of women, professionals (lawyers & psychologists) and community leaders, **domestic violence emerged as a prominent theme.**

 - › We explored the following:
 - How did **Imams respond to incidents of domestic violence** as reported by women?
 - **Experiences and challenges faced by women** when they informed Imams of DV
 - How did Imams feel they dealt with DV?
 - What are the **shortcomings in the way DV is dealt** with in these informal Islamic community processes?
 - How can these shortcomings be addressed?

 - › **Imams (as service providers) in this case who face challenges dealing with DV**
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Key Themes on Domestic violence: **Imams'** **Perspectives**

- › Imams felt they **did all they could** to respond appropriately to domestic violence. They often **encouraged women to ring the police** if in danger.
 - › Imams **often asked for evidence** of domestic violence by way of an ADVO/prevention order in cases where women alleged domestic violence.
 - › Some Imams claimed that some **women were using the family law Courts to gain an advantage**
 - › Almost all Imams reported being **under-resourced, under-skilled and having to respond under serious time constraints.**
 - › Imams reported being **threatened and fearing their safety**
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Key Themes on Domestic violence: Imam's Perspectives

- › Imams describe informal community processes as being a **service for women**.
 - › Imams **showed genuine interest and concern** for the well-being of women.
 - › Some Imams **were very clear on the challenges women faced** who accessed community processes and felt an **urgency to redress** these challenges.
 - › Some Imams sought feedback so they could **improve their processes**.
 - › Imams felt they were considerably **under scrutiny and criticism**
 - Both internally & from the broader community
 - › Imams felt they were under **a lot of pressure and stress**
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Challenges Faced by Imams

- Is there a **place for reconciliation** in instances of DV?
 - How do Imams **adequately ascertain type of DV**? E.g. psychological, emotional, sexual, financial
 - How do Imams **assess the impact** of DV (without minimising)?
 - Are the community processes **comfortable/dignified/appropriate** in instances of DV?
 - Lack of women involved in process (not in positions authority)
 - Safe space for women?
 - Delays
 - Language/cultural barriers
 - Wrap around services
 - Sensitivity – trauma-informed model?
 - Confidentiality
 - Conflict of interest
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Challenges Faced by Imams

- Do these **community processes provide support for women** experiencing DV?
 - Mainstream services (e.g. counseling)
 - Faith-based services (e.g. Muslim women's refuges)
 - How do Imams **navigate the intersection between community processes and broader family law framework?**
 - Courts
 - Family Dispute Resolution
 - Criminal proceedings
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Summary

- › There is a danger for women if **encouraged to reconcile in instances of DV**

 - › Some Imams are **under-skilled and under-resourced** in dealing with domestic violence
 - Imams are at times **unaware of the gaps in their knowledge/training** on domestic violence

 - › **Equipping Imams with knowledge and skills** to deal with domestic violence

 - › **Appropriate protocols for Imams need to be developed** around DV
 - Identification, assessment of impact, response

 - › Utilise expertise around DV **from within the community and from a faith perspective for capacity building**

 - › Informal Islamic community processes **must accommodate appropriately for victims** of domestic violence
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