

Terms of Reference of Seminars and Workshops

NICMCR Gender Working Group

"Religion as a Source of Legitimacy or Advocacy ? : Religion and Practices of Forced Marriage and Child Marriage in Indonesia and the Netherlands"

1. Background

Indonesia and the Netherlands still face various challenges in achieving gender justice and equality. Marriage, which should be one of the sources of human welfare and happiness, turns out in some societies, marriage is actually a source of discrimination and violence. Some of the issues of gender discrimination include: forced marriage, child marriage, polygamy, and the double burden experienced by the wife. A number of these problems remain concerns, both in Indonesia and in the Netherlands.

Two important issues that are gaining attention in Indonesia and the Netherlands today are cases of forced marriage and child marriage. Both of these cases reflect the position of inferiority of women and negate the autonomy of women as decision makers. The practice of marriage such as this has an impact on the strengthening of unequal relations in the relationship of the wife and husband, as well as making the marriage plaque more vulnerable to various acts of violence, exploitation, and lead to poor divorce. In addition to these effects, such marriages also further alienate the hope of achieving the goals of marriage as stipulated in Law No. 1 of 1974 concerning Marriage article 1, "Inner and outer bonds between a man and woman with the aim of forming a happy and eternal family based on the divinity of the Almighty" .

Concerns over this problem can also be seen in a number of existing research results. A study in the Netherlands stated that 250 girls entered civil marriage only in the span of 2013 and 2014 (<https://www.girlsnotbrides.org/child-marriage/the-netherlands/>). Concerning data can also be seen from data from the Indonesian Central Statistics Agency, which states that one in four girls in Indonesia have been married at the age of less than 18 years in 2008 to 2015. This data is strengthened by the results of a 2015 Gender and Sexuality Study Center of University of Indonesia which states that child marriage rates in Indonesia are ranked second in the Southeast Asia region and around 2 million of 7.3 Indonesian women under the age of 15 are married and drop out of school. One example of cases of forced marriage in Indonesia is illustrated in the case of Maryanti who was forced to marry at the age of 12 years and suffered a miscarriage three times at the age of 14 years,

"A 12-year-old M daughter is an arranged marriage to a 40-year-old man, the marriage was carried out by falsifying the age of M. The marriage took place for economic reasons and debt bondage. Previously, the poor economic condition of the family also caused M to drop out of school so he did not finish his education until the 6th grade of elementary school. During marriage, M experienced mental distress

In Indonesia, the problem of child marriage has actually become a concern of many parties. A number of NGOs, academics, and CSOs have fought many efforts to prevent and stop the practice of discriminative marriages. This long struggle has succeeded in advocating for Marriage Law with the decision of the Constitutional Court in December 2018. Based on the Constitutional Court's mandate, the House of Representatives has passed Law No. 16 of 2019 concerning Amendment to Law Number 1 of 1974 concerning Marriage. The main changes in this Law are contained in article 7 paragraph 1 of Law no. 16 of 2019 with the stipulation of the same age which is at least 19 years for men and women who will get married. In the latest endeavor, the issue of child marriage is also a part that is considered in the Bill on the Elimination of Sexual Violence (P-KS) of Indonesia. In this bill, child marriages which are part of forced marriages have been positioned as a type of sexual violence. RUU P-KS defines forced marriage as an act of someone forcing another person or person under their authority/ guardianship/ forgiveness to conduct marriage by means of violence, threat of violence, seduction, deception, forest entrapment, series of lies, abuse of power, exploiting conditions of incapacity or disability of the victim or with other psychological pressure. Meanwhile, the Netherlands has already had the Law on Prevention of Forced Marriage since 2015. Some points of the Act are prohibitions on marriage under 18 years, the oath statement of two people involved in relations who want a marriage of their own free will, the prohibition of polygamy, criminal prosecution of forced marriages, and arranged marriages / marriages without coercion. Although the efforts to fight for the RUU P-KS failed to be passed by the DPR in the 2014-2019 period, this effort shows the seriousness of various parties in stopping discriminative marital practices, including forced marriages and child marriages.

The NICMCR as the Dutch Indonesian consortium in the cooperation of Christian Islam also gives fundamental attention to the issues of gender injustice and discrimination that occur in Indonesia and the Netherlands. In particular, the NICMCR concentrates attention on efforts to critique religious understanding that contribute to the continued occurrence of gender discrimination practices, and to strive for the religious community to play a more maximal role in overcoming various gender discrimination problems in these two countries. Therefore the NICMCR gender working group initiated seminars and workshops "Religion as a Source of Legitimacy or Advocacy source?: Religion and Practices of Forced Marriage and Child Marriage in Indonesia and the Netherlands" so that religion is no longer blamed as a source of gender discrimination, but becomes a force that can be synergized in facing the problem of gender injustice.

2. Long-term Objectives: Developing the Role of Religion in realizing gender equitable and equal marriages.

3. Short-term Goals:

- a. Reviewing the results of research on the practice of forced marriage and child marriage in the perspective of religion, sociology, law and human rights.
- b. Develop the values and principles of justice and equality in marriage developed from the collaboration of religious, social, legal and human rights perspectives.
- c. Reconstructing the principles of a gender justice and equal marriage that exists in Islam and Christianity.
- d. Stating the commitment of religions in relations between Indonesia and the Netherlands to jointly prevent the practice of forced marriages and child marriages in the form of a number of concrete activities that are jointly designed.

4. Participants:

- a. The one-day seminar will be attended by 50 NICMCR network participants.
- b. The one-day workshop will be attended by 25 participants namely members of the NICMCR gender working group plus a network that is concerned about the issue.

5. Time: November 25-26 2019

6. Location: Jakarta Theological Seminary

7. Highlights:

- a. Study of Religions (Islam and Christianity) on the Practices of Forced Marriage and Child Marriage in Indonesia and the Netherlands.
- b. Sociological, Legal and Human Rights studies of the Forced Marriage and Child Marriage practices in Indonesia and the Netherlands.
- c. Religious teachings, rules and interpretations which strengthen the prohibition of the practice of forced marriage and child marriage.
- d. Basic principles and values of a marriage that is gender justice and equality.
- e. The role of religious leaders and communities in preventing and stopping the practice of forced marriage and child marriage in Indonesia and the Netherlands.

8. Method:

One Day Seminar

- a. Presentation of research results and studies on religious understanding that contribute to the practice of forced marriage and child marriage through the presentation of resource persons and question and answer with participants.
- b. Study of forced marriage and child marriage practices in sociological, legal and human rights perspectives in Indonesia and the Netherlands through a process of resource persons' exposure and question and answer session with participants.

The workshop

- c. Reconstruction of teachings and rules about Islamic and Christian marriages based on gender equality and justice to prevent the practice of forced marriages and child marriages through group discussion methods, mind mapping and simulations in the workshop process.
- d. Formulation of a follow-up plan in the form of concrete activities that will be carried out together as a form of commitment of the NICMCR gender working group and the religious community (Christian Islam) in Dutch-Indonesian relations through a workshop process.

9. Resource persons and Facilitators:

a. 3 from the Netherlands:

- Islamic theologians who have research related to the practice of forced marriage and child marriage and examine it from an Islamic perspective including efforts to realize Islamic marriages based on gender justice and equality:
- Christian theologian who will present a Christian review regarding this practice and how the concept of Christian marriage is based on gender justice and equality:
- Service institutions or activists who conduct research and advocacy on the forced of marriage:

b. 3 from Indonesia:

- Islamic theologians who have research related to the practice of forced marriage and child marriage and examine it from an Islamic perspective including efforts to realize Islamic marriages based on gender justice and equality:

- Christian theologians who have research results and will present a Christian review of this practice and how the concept of Christian marriage is based on gender justice and equality:

- Service institutions or activists who conduct research and advocacy on the forced of marriage and child marriage.

c. Moderator and Facilitator from the gender working group.

10. Introductory Language

These seminars and workshops were conducted in the Indonesian language by taking into account the majority of participants and communities present from Indonesia.

11. Run down

No	Time	Details	Organizer
Monday, 25 November			
1	08.00 – 09.00	Registration	Pokja gender
2	09.00 – 09.30	Opening	Pokja gender
3	09.30 – 10.30	Session 1 seminar: Islamic in Indonesia and The Netherland on forced marriage and child marriage practice	
4	10.30 – 11.00	Coffee Break	
5	11.00 – 12.00	Session 2 seminar: Christianity in Indonesia and The Netherland on forced marriage and child marriage practice	
6	12.00 – 13.30	Lunch and break	
7	13.30 – 14.30	Session 3 seminar: sociology and human rights perspective and advocacy on forced Marriage and child Marriage in Indonesia and The Netherland	
8	14.30 – 15.00	Coffee Break	
9.	15.00 – 17.00	Introduction/ Workshop process	Pokja gender
10	18.00	Dinner and break	
Tuesday, 26 November			
1	09.00 - 10.30	Workshop process	Pokja gender
2	10.30 – 11.00	Coffee break	
3	11.00 – 12.30	Workshop process	Pokja gender
4	12,30 - 13.30	Lunch and break	
5	13.30 – 16.00	Follow up plan	Pokja gender

6	16.00 – 16.30	Coffee break	
7	16.30 - 17.00	Follow up plan (Completion)	Pokja gender
8	17.30 – 18.00	Closing	

12. Activity costs and facilities

This activity was initiated by NICMCR and supported by Kerk in Actie and the Jakarta Theological Seminary. Seminar participants will be facilitated with meeting rooms, materials and consumption. Workshop participants who came from outside Jakarta, received additional lodging facilities for 3 days, namely date. November 24, 25 and 26 2019.

13. Closing

Thus this TOR was prepared as a reference for the implementation of seminars and workshops held by the NICMCR Gender Working Group (pokja) under the title "Religion as a Source of Legitimacy or Advocacy source ?: Religion and Practice of Coercive Marriage and Child Marriage in Indonesia and the Netherlands"

Indonesia, 30 October 2019

NICMCR Gender Working Group