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FINDING WAYS OUT TO FORCED MARRIAGES:

PREVENTION, PROTECTION AND SUPPORT TOOLS FOR PRACTITIONERS ACROSS EUROPE

TRAINING MATERIALS



CER-Migracions

UAB
Universitat Autònoma
de Barcelona



LA VOIX
DES FEMMES



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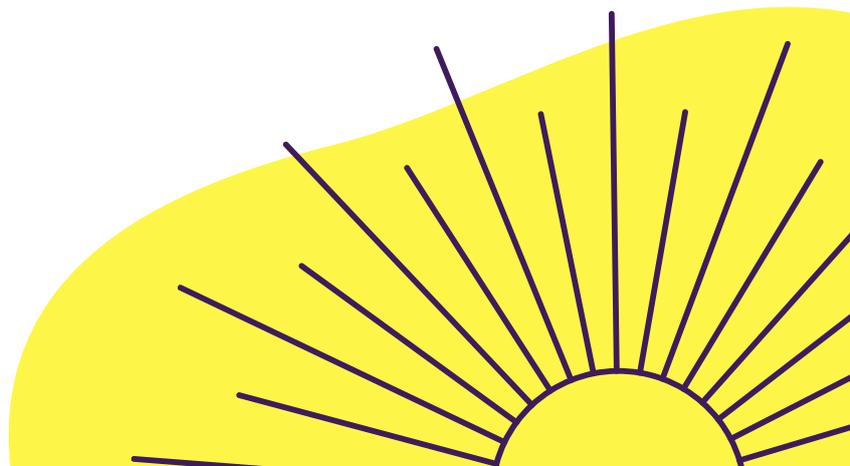
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PRESENTATION

The *Training materials on Forced Marriages Guide* has been developed as another contribution to the set of awareness tools created by the *FM-OUT! Finding ways out to forced marriages: prevention, protection, and support tools for practitioners across Europe Project*¹. Its main goal is to help frontline professionals deal with situations that involve (potential) victims of forced marriages by giving them some ideas, inspiring practices and other resources to broaden their knowledge on the subject.

Even though there is not a unique and agreed definition at international level about what a Forced Marriage (FM) is, consent, coercion, and duress are common elements among different interpretations.

According to several Human Rights Organizations, forced marriage is recognized as a violation of human rights and as a form of gender-based violence. Indeed, this is asserted not only in Article 16 of the Universal Declaration of Human Rights but also in 2011's Istanbul Convention. More recently, but in a similar vein, the International Labour Organization designated FM as a "form of modern slavery".

Although some European countries have approved legal norms against forced marriages, these have failed to eradicate a practice often linked to cultural, religious, social, and family issues. Nevertheless, we should avoid associating FM to certain communities in impoverished countries, thereby contributing to their stigmatization. So as to prevent this, it is important to adopt a more complex approach which takes into account the human rights and gender dimension of forced marriage.

At this time, we lack adequate instruments to quantify and identify contexts where FM may be more persistent, making it more difficult to prevent and support potential victims, and to develop effective public policies. As a result, getting to know the context in which a forced marriage takes place and its consequences in women's everyday lives results in a very important tool for educational, health, and social services workers willing to incorporate a respectful and accurate approach into their daily tasks. We strongly believe that your attitude as professional could make a difference. Victims of forced marriage are often closely controlled and forbidden to go out alone. Maybe as professional you are their only chance to contact a person outside their inner circle. As frontline workers, you know better than anyone the need of having resources that be useful for dealing with FM's situations related. This guide aims to provide general information, some definitions, tools and resources to delve into this subject.

Training materials Guide has eight chapters about FM in Europe. Firstly, definitions and theoretical approach are given, distinguishing among forced, arranged and child marriages. Also, some figures and maps illustrate the problem at global scale. Second chapter advances on legal frameworks, and information from Belgium, Germany, Spain, and Greece coming from National Reports elaborated as a project's activity. Finally, a chapter with training needs detected in focus groups conducted by FM-OUT! are presented. In this last chapter, also good practices to deal with FM are suggested.

Training materials also can be read with other data that FM-OUT! Finding ways out to forced marriages: prevention, protection, and support tools for practitioners across Europe has created and published. By using different resources, diverse methodologies, addressed to a variety of targets, the Project makes available a wide range of bibliography, brochures, an e-learning course, and national reports produced by organisations from four European countries: Belgium, Germany, Spain, and Greece. All these materials are in free access on [FM-OUT! Website](#).



1. INTRODUCTION. FORCED MARRIAGE AROUND DE WORLD

According to International Labour Organization (ILO, 2017), in 2016 the global prevalence of FM was estimated in 15.4 million people. The 88% of victims were women and girls and 37% of victims were under 18 years old. Of these, 44% were under 15 at the time of the marriage.

In 2014, a United Nations Children's Fund (UNICEF) report provided information about child marriages around the world. It was estimated that every year 15 million girls are married before 18 years old, and 720 million women were married before 18 years old and one of three of these women got married before the age of 15 (UNICEF, 2014).

Despite these estimations, little data is available on this prevalence in Europe. Due to this absence of official data and the difficulty to access to hidden cases -because most of them are not reported-, its quantification is hard to do. Consequently, there is a consensus in considering that the official figures are a minimum percentage of the real number of cases of forced marriages around the world, so they represent only the tip of the iceberg (Psaila, 2016).

In Europe, several investigations confirm the great difficulties and numerous obstacles that victims have on going to social services looking for help, both to avoid a forced marriage and to escape from a forced marriage that has already been consummated (FRA, 2014:11).

In 2005, the Forced Marriage Unit (FMU) was created in the United Kingdom, which was one of the first country on collecting data about the subject. The FMU gives support to victims, advises people at risk of forced marriage, helps a victim avoiding her/his transfer to third country. Furthermore, since 2012, every year releases a report with quantitative information about cases of forced marriages in that country. The information shows that, since 2012, this Unit has assisted among 1200 and 1400 cases per year. (Home Office-Foreign & Commonwealth Office, 2018).

In Germany, a survey about forced marriages was conducted at national level in 2008. The results show that till that year more than 3000 women and girls looked for advice on forced marriages at official agencies or social civil organizations. A 60% of these women said that they were

threatened to get married, and the 40% attended these services after being married. Also, 70% of the total, were less than 21 years old. (Mirbach et al., 2011).

In Italy, the investigation carried out in the Emilia-Romagna Region (2009) detected 33 cases in that geographical area. This research showed that all the victims were of foreign origin. (Danna, 2009)

In France, the study led by Hamel in 2011 showed a higher proportion of non-consensual marriages among older migrant women than among younger ones (Hamel, 2011).

The Spanish State does not have statistical data on cases of forced

marriages, prevalence or estimates despite having introduced it as a specific crime in its Penal Code with the modification of Organic Law 10/1995. Then, forced marriages were typified as a form of coercion, and as a form of trafficking in human beings (Barcons Campmajó, 2018)

Although no official data is available for Spain, recent qualitative research identifies risks factors among women who were forced to get married. In 2017, A survey on the incidence of forced marriages conducted with 150 entities that provide services to victims of gender-based violence showed that 62 of them had identified victims of forced marriages, all of them women. Among them, 77% of the cases were also under 21 years of age. (Villacampay Torres, 2019).

Finally, the data shows the low registration in the states of Croatia, Cyprus, Slovakia, Slovenia and Sweden compared to the data provided on forced marriages from the states of Austria, Belgium and Bulgaria, Denmark, Germany and the United Kingdom (Psaila, 2016).



2. SOME DEFINITIONS AND CONCEPTS

2.1 WHAT IS FORCED MARRIAGE?

Any person may be forced into marriage – this includes people of all ages, genders, ethnicities and religions.

A forced marriage is where one or both people do not or cannot consent to the marriage and pressure or abuse is used to force them into the marriage.

Then a forced marriage is a marriage contracted without the free and valid consent of one or both partners. There is always an element of constraint – be it the need to marry at all or the need to marry a certain partner. It is a form of domestic abuse and a serious abuse of human rights.

Forcing someone to marry isn't always physical, but it is always against the law. The pressure put on a person to marry can take different forms:

- physical pressure might take the form of threats or violence (including sexual violence)
- emotional or psychological pressure might take the form of making someone feel they are bringing shame on their family, making them believe that those close to them may become vulnerable to illness if they don't marry, or denying them freedom or money unless they agree to the marriage

In some cases, people may be taken abroad without knowing that they are to be married.

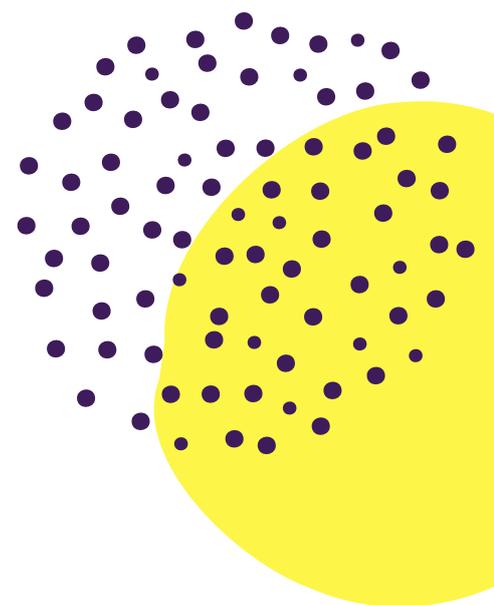
2.2 WHAT IS AN ARRANGED MARRIAGE?

An arranged marriage is not the same as a forced marriage.

In an arranged marriage, the families take a leading role in choosing the marriage partner, but both individuals are free to choose whether they want to enter the marriage or not. So, the choice whether to accept the arrangement remains with the individuals.

If you consent to marry, but later change your mind – yet still feel that you will be required to go ahead with the marriage – that is a forced marriage too.

In a forced marriage, at least one party does not consent or is unable to give informed consent to the marriage, and some element of duress is generally present.



2.3 THE TENSION BETWEEN FORCED AND ARRANGED MARRIAGE: THE DIFFICULTY TO DEFINE “FORCE”

Some have argued from a multicultural perspective that the Western idea of marriage should not be privileged over other, non-Western, conceptions. Other scholars have argued that multiculturalism may indirectly condone forced marriages.

Familiar obligations, gendered expectations, and traditional practices of arranging marriages for individuals have further complicated the ability to locate ‘force’ in marriages. Because of the difficulty in defining ‘force’ in a marriage and in distinguishing between marriages that are forced, arranged, or the result of persuasion, gaps continue to remain in the research.

It is important to say that force can take different forms. Forcing someone to marry isn’t always physical, but it is always against the law. The pressure put on a person to marry can take different forms:

- physical pressure might take the form of threats or violence (including sexual violence)
- emotional or psychological pressure might take the form of making someone feel they are bringing shame on their family, making them believe that those close to them may become vulnerable to illness if they don’t marry, or denying them freedom or money unless they agree to the marriage

In some cases, people may be taken abroad without knowing that they are to be married.

2.4 DIFFERENCES BETWEEN FORCED AND ARRANGED MARRIAGE. WHAT IS CONSENT?

As it was said, despite the absence of a common definition on forced marriage, it can be described as a marriage concluded without the consent of one or both partners and therefore against the will of at least one of them.

For a marriage to be consensual, it must be entered into freely by both people getting married. You should feel you have a choice and always you should be free to leave it. Children or people with certain learning disabilities or severe mental health conditions are not able to consent to marriage, even if they feel the marriage is what they want.

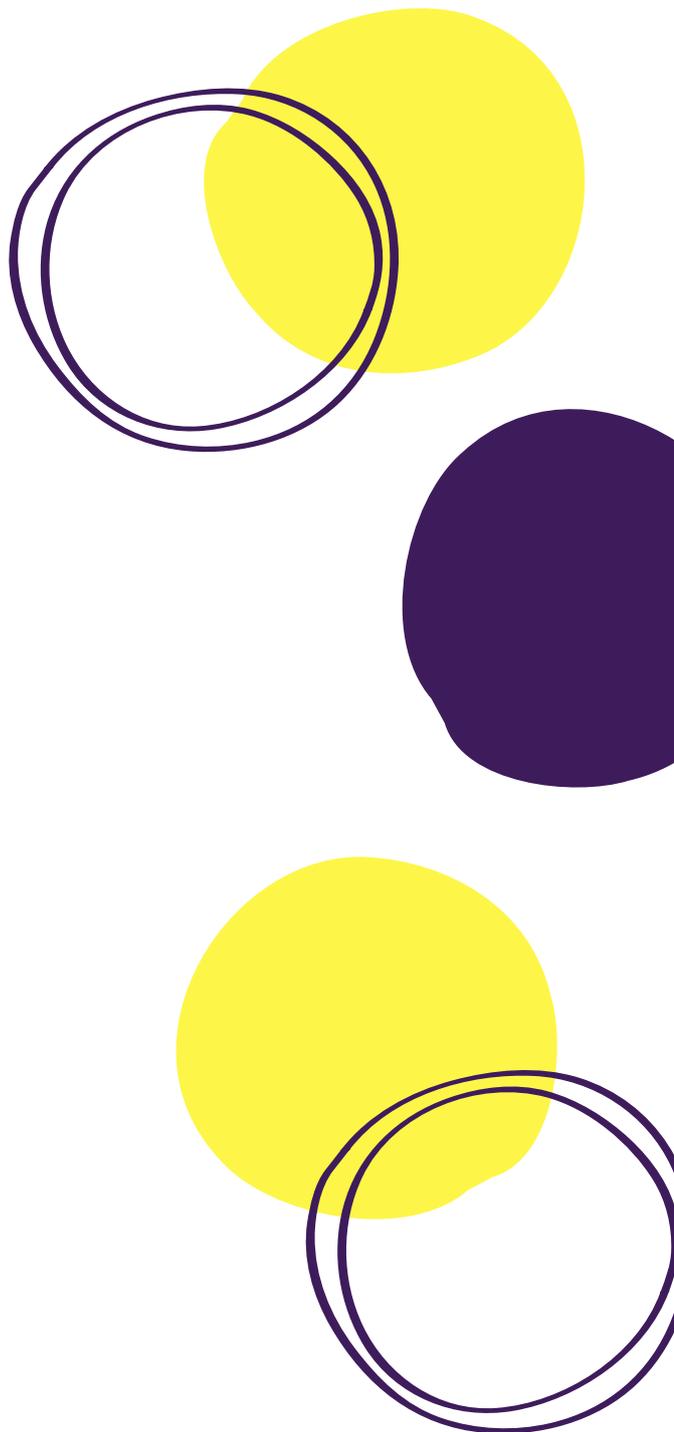
Related to this, child marriages (typically defined as marriage before the age of eighteen), are often conflated with forced marriages because of questions concerning

consent. Although not all child marriages are viewed as forced, consent is generally viewed as compromised when a marriage is arranged for a child who is very young and blurred when a sixteen or seventeen-year-old child marries.

2.5 WHAT ARE CHILD MARRIAGES?

Child marriage is considered a form of child abuse with consequences for young girls' sexual health and is associated with domestic violence and high maternal and child mortality rates. Child marriage is always considered as a form of forced marriage as full and free consent is the inevitably absent due to age and gender related power inequalities.

The rates of child marriages increase significantly during conflict and in humanitarian settings when the factors that drive to them are exacerbated. One of the possible explanations is families, who have lost their livelihoods, might marry off their daughters as a way to protect girls from heightened threat of sexual and physical violence (Plan International.org)



3. FORCED MARRIAGES AS GENDER-BASED VIOLENCE

3.1 HOW FORCED MARRIAGES ARE RELATED TO GENDER-BASED VIOLENCE

Violence against women is often part of a “continuum”. This concept covers the fact that violence is a reality inscribed both in the private and public life of women, throughout their existence in a continuous and repetitive manner in a multiplicity of forms (physical, sexual, psychological, economic; threat, coercion, deprivation of liberty, etc.). The continuum of violence often involves a risk of escalation in terms of intensity and dangerousness. Moreover, violence against women is structural violence that displays itself an unequal balance of power (VdF; Igareda, 2015a)

Undoubtedly, violence against women is a global phenomenon and affects all women, regardless of their age, culture, origin, socio-economic background. For this reason, intersectionality is a concept that currently occupies a central place in the political theory of gender. In this way, some women, placed in positions of intersection between diverse axes, suffer inequality in a unique and qualitatively different way, which cannot and should not be analysed from a simple sum of categories. In these cases, multiple disadvantages interact with pre-existing vulnerabilities producing a different dimension of disempowerment (Creenshaw 2002).

For all these reasons, the perspective of intersectionality allows us to better understand how the experience of forced marriages is mediated by a series of factors: gender, ethnicity, religious identity, mental health, and immigration status (Igareda 2015a: 621).

Forced marriages constitute a serious violation of the human rights of women and girls as well as a major obstacle to the achievement of equality between women and men. That's why it is essential to approach this theme adopting a feminist reading based on the equal social relations of the sexes (gender) (VdF).

Furthermore, forced marriages are often the gateway to other forms of gender-based violence such as sexual, physical, economic, and emotional violence. Thus, the consequences of forced marriages are strongly related to gender inequality. Women often



the honour and respect of the family and the community, and their refusal to get marry can have various effects, such as being disowned, stigmatized, or separated from their own community, thus losing their entire social and family network. (Gily Anitha 2011: 145).

3.2 POSSIBLE CAUSES AND CONSEQUENCES ON WOMEN'S LIFE

Entities experiences' show that forced marriages' causes are multiples. Sometimes, families promote forced marriages to control young people's sexuality, to control behaviour that they consider inappropriate, to develop a strategy to save community identity, to reinforce the relationship with other families from the same community, to obtain a residence permit, among other causes (VdF).

On the other hand, forced and early marriages have also many physical and psychological consequences. School dropout, reduced autonomy, economic

dependence, domestic violence, sexual assault, and even suicide attempts, are some of the most serious ones. Even further, if the girls or women victims of forced marriages try to escape, some families can resort to violence to punish them because the families consider they have shamed their own family. Furthermore, being remove from school impact on women's capacity for independence, perpetuating a cycle of poverty (Alanen, 2015).

Particularly, in those communities where early marriage of girls is a common practice, early sexual activity, pregnancy, and childbirth are also common. Consequently, higher rates of sexually transmitted infections, increased infant and maternal mortality (Plan International.org).

According to the World Health Organization "approximately of pregnancies to girls aged 15–19 years in developing regions are unintended. Drivers of adolescent pregnancies are context-specific and can include child marriage, poverty, lack of opportunity, and social or cultural values related to womanhood and motherhood" (WHO, 2018)

The same argument has been developed by the Global Health Council on Adolescent Youth when it reports that girls aged 15 years and younger are five times more likely to die during child birth than women between the ages of 20 and 24 years old. (Alanen, 2015)

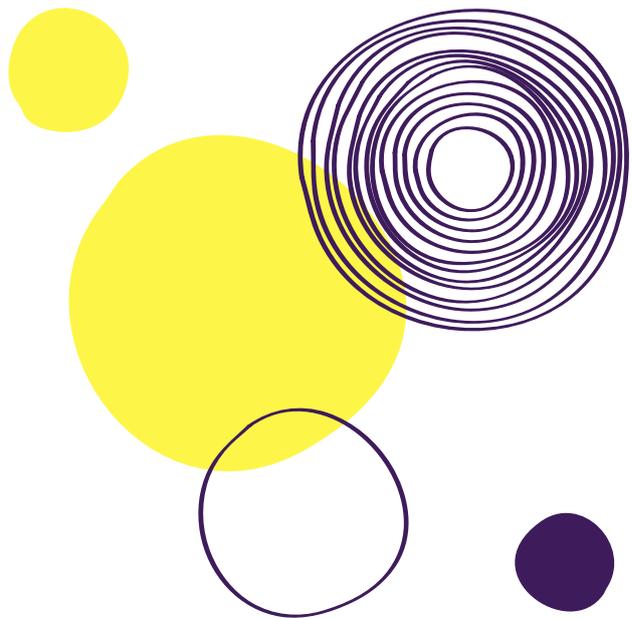


3.3 VICTIM'S PROFILE

Women victims of forced marriage also present behavioural indicators of domestic violence, physical and sexual abuse, isolation, psychological and social pressure, restrictions on lifestyle, such as limitations on movement, association, education, and career choices (Alanen, 2015)

There are some contextual, social and familiar risk's factors that could drive to forced marriage, for example:

- **Familiar and Network Support**
 - poor support network or total lack of social support from the environment
 - aggressiveness of one or both parents, lack of protection by parents
 - absence of one or both parents due to immigration status
 - lack of references or support figures inside or outside the closest family environment
 - closed-mindedness of parents, obligation to follow traditions
 - history of forced marriage, normalization of the practice
 - parental insistence on forced marriage
 - economic problems of family, basic needs not covered
- **Living with the extended family**
 - pressure from the extended familu towards the parents or rejection of the family because they not follow the traditions
 - relatives who relate only to members of the same community of origin
- **Violence situations**
 - situations of multiple and sustained violence over time
 - excessive control, lack of freedom
 - racism, bullying
- **Support network**
 - lack of psychological attention during childhood or adolescence
 - lack of school support
 - lack of protection by public services



- **Other contextual factors**

- forced migration
- loss of friends in the country of origin
- residential instability, constant changes of address

Finally, the reports of some entities that assist victims of forced marriages report that they arrive with a very deteriorated psychological or psychic state, for instance:

- state of confusion making it very difficult to make decisions in order to protect yourself
- loss or absence of self-esteem
- anorexia, bulimia, other drug addiction
- somatization
- suicide attempts, self-mutilation
- aggressiveness, violent impulses



4. THE MAIN FACTORS THAT PERPETUATE FORCED MARRIAGES

Young women are mainly the victims or potential ones of forced marriage. All available data show that the number of female victims is disproportionately higher, since it is estimated that around 85 % of victims of forced marriages are women and girls (Barcons, 2020:2) .

As many social and cultural problems, the reasons that justify and perpetuate this phenomenon are several. Undoubtedly all of them affect the victim's life at individual, familiar and community level.

The British Forced Marriage Unit and partner agencies identify some of these reasons which lead families to force their children to get married. Some of these causes are based on the will of:

- Protecting “family honour” (which is defined as a complex code that an individual has to follow in order to protect the family name and maintain family position. If she/he doesn't, the person can be penalised by the group in the name of protecting the family's “honour”)
 - Controlling unwanted sexuality or protecting perceived cultural or religious ideals (for example, families who disapprove their children of another sexual orientation, so the forced heterosexual marriage may be the solution)
 - Controlling unwanted behaviour (for example, practises perceived to be “westernised or foreign manner”)
 - Preventing “unsuitable” relationships (for example, relationships outside the hegemonic group linked by cultural or religious characteristics)
 - Responding to peer or family pressure
 - Achieving financial gain. Extreme poverty and humanitarian crises are causes that motivate families to get money in exchange for forced marriage
 - Ensuring land, property, and wealth remain within the family
 - Ensuring care for a person with special needs when her parents or existing caregivers are unable to fulfil that role.
- Overall, of the perceived social stigma of the victims with special needs, and the desperation of their perceived disability.
- Assisting claims for lawful residence and citizenship
 - Fulfilling long-standing family commitments



5. LEGAL FRAMEWORKS

Since forced marriage is recognized as a form of violation of human rights that impacts especially on women and girls, and as another form of violence against women in patriarchal societies, International and European Law condemns it.

The Universal Declaration on Human Rights (UDHR) from the 10 of December of 1948, in its article 16, clearly states:

1. Men and women, starting from the age of consent, have the right, without restriction on grounds of race, nationality or religion, to marry and found a family, and enjoy equal rights in marriage, during marriage and in marriage as well as in case of dissolution of the marriage.
2. Only through free and full consent of the future spouses can the marriage be contracted.
3. The family is the natural and fundamental element of society and is entitled to the protection of society and the State.

Similarly, the European Union recognize a double form of violence in forced marriage: as a human trafficking and as a gender-based violence.

According to the Directive 2012/29/EU claims violence that is directed against a person because of that person's gender, gender identity or gender expression, is understood as gender-based violence. Also, it defines gender-based violence as a form of discrimination and a violation of the fundamental freedoms. It includes, among another forms, the forced marriages (Artic. 17). Furthermore, this Act states that women victims of gender-based violence and their children often require special support and protection because of the high risk of re-victimization. For that reason, this Directive declares minimum standards on the rights, support and protection of victims of crime and requires EU Member States to ensure that victims of crime receive the adequate information and support.

The Istanbul Convention (2011) is the first legal instrument which deals with forced marriages in Europe, and the various forms of violence against women, condemning those European countries don't respond adequately. The Istanbul Convention introduces the forced marriage as a criminal act.



Its Article 37 on forced marriages provides that:

1. Parties shall adopt the legislative or other measures necessary to criminalize the act, when committed intentionally, to compel an adult or a minor to marry. 2. Parties shall adopt the legislative or other measures necessary to criminalize the act, when committed intentionally, of deceiving an adult or minor to take such individual to the territory of a State other than the one in which the person resides with the intention of forcing said person to marry (Istanbul Convention, 2011).

With this convention forced marriage is punishable as just another crime. (FRA, 2014)



6. INSPIRING GOOD PRACTICES

Front line professionals are likely to be the first contact for a victim or potential one of forced marriage. Notice that maybe the first encounter may not reveal the problem. The fear could be a big problem inside the family or community and could limit the freedom to express or talk about the problem.

This paragraph aims to those professionals to respond effectively to women who are in risk by giving some inspiring good practices.

Good practices concern the attitude of professionals towards potential victims as well as the structure of available support. Potential victims must have access to information about their rights and know where to turn to in case of need. Knowledge about contexts and strategies against FM must be present at specialised organisations and by experts, where front line professionals can get advice and/or refer their cases to.

For the long-term goal to eliminate FM effective prevention strategies are also important. Stakeholders and policy makers must be aware of the problem and ready to finance the necessary infrastructure – concerning this international and EU treaties are binding and useful.

These are some recommendable practices to face FM problem and give support to victims:

- Specialised shelters for Girls and Young Women with a secret address:
 - Girls and young women who are victims of FM will need this to be safe. Service should be provided around the clock by an only-women team of professionals.
 - Young adult women should have access to youth care facilities /housing and support by social workers
- Online counselling and advice
 - It can be reached from everywhere at every time, clients can stay anonymous. F.e.: SIBEL/Papatya.....
- Specialised support concerning Abduction
 - Forced Marriage Unit/UK, Coordination centre against Abduction/D, Orientexpress/A, Landelijk Knooppunt gedwongen huwelijk en achterlating, NL
- Specialised support for LGBTIQ
- Peer to Peer Approach
 - Heroes D
- Forum Theatre for Schools
- Community Approach

