

**Forced and child marriage at the Intersection of Health,
Gender and Human Rights: Understanding the
Determinants in Morocco and the Impact of the
Migratory Context in Belgium**

Alexia Sabbe

Doctoral Thesis Submitted to the Faculty of Medicine and Health Sciences
Ghent University

PhD Supervisor: Prof. dr. Els Leye
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University

PhD Co-Supervisor: Prof. dr. Marleen Temmerman
Centre of Excellence in Women and Child Health
Aga Khan University, Kenya
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University

June 2019

To sisters, daughters, mothers,
To brothers, sons and fathers,
May we lift each up and, together, co-create the reality we want to experience.

*“We must relinquish the paradigm of men as power with women as support
and instead embrace the image of both men and women as powers, with
each supporting the other.”*

Marianne Williamson

With so much Gratitude,

To close family and friends – you know who you are – for your unconditional support and for providing the wings

To Steven, for your trust, unwavering encouragement, and the invaluable space

To Elora, for the sense of urgency to bring this work into this world, and for reminding me often to play and dance

Forced and Child Marriage at the Intersection of Health, Gender and Human Rights: Understanding the Determinants in Morocco and the Impact of the Migratory Context in Belgium

Alexia Sabbe

Doctoral thesis submitted to the Faculty of Medicine and Health Sciences
Ghent University, Belgium.

June 2019

ISBN 9789078128601

International Centre for Reproductive Health (ICRH)
Ghent University
C. Heymanslaan 10 UZ/ICRH
9000 Ghent
Belgium
www.icrh.org

Cover picture: Lieve Blancquaert from the “Wedding Day” series

- Supervisor:** Prof. dr. Els Leye
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University, Belgium
- Co-supervisor:** Prof. dr. Marleen Temmerman
Centre of Excellence in Women and Child Health
Aga Khan University, Kenya
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University, Belgium
- Guidance committee**
- Prof. dr. Els Leye
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University, Belgium
- Prof. dr. Marleen Temmerman
Centre of Excellence in Women and Child Health
Aga Khan University, Kenya
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University, Belgium
- Prof. dr. Eva Brems
Human Rights Institute
Department of European, Public and International Law
Faculty of Law and Criminology
Ghent University, Belgium
- Members of the jury:**
- Prof. dr. Gily Coene
Research Centre Gender, Diversity and Intersectionality
Department of Philosophy and Moral Sciences & Department of
Political Sciences
Vrije Universiteit Brussel, Belgium
- dr. Giselle Corradi
Human Rights Institute
Department of European, Public and International Law
Faculty of Law and Criminology
Ghent University, Belgium
- Prof. dr. Stéphanie De Maesschalck
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University, Belgium
- Prof. dr. Ignaas Devisch
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University, Belgium

Prof. dr. Ines Keygnaert
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University, Belgium

Prof. dr. MariaCaterina La Barbera
Department of Law and International Relations
Faculty of Social Sciences
Nebrija University, Spain

Chairperson of the jury:

Prof. dr. Olivier Degomme
Department of Public Health and Primary Care
Faculty of Medicine and Health Sciences
Ghent University, Belgium

TABLE OF CONTENTS

LIST OF FIGURES	vii
LIST OF ABBREVIATIONS	viii
SUMMARY	ix
SAMENVATTING	xiv
1. INTRODUCTION	2
1.1. Background	2
1.1.1. Defining Forced Marriage and Child Marriage.....	3
1.1.2. Forced Marriage as a Human Rights Issue.....	6
1.1.3. Forced Marriage from a Gender Perspective.....	8
1.2. Prevalence	9
1.3. Overview of Reasons behind Forced and Child Marriages	15
1.4. Consequences of Forced and Child Marriage	15
1.4.1. Health.....	15
1.4.2. Socio-economic.....	20
1.5. Forced and Child Marriage in Humanitarian Settings and in the Context of Migration	21
2. OBJECTIVES	26
2.1. General Objective	26
2.2. Specific Objectives	26
2.3. Presentation of Publications	27
3. STUDY SETTINGS	30
3.1. Morocco	30
3.2. Belgium	33
4. METHODOLOGY	38
4.1. Study Design	38
4.1.1. Policy Analysis: Multiple Streams Framework (Specific Objectives 1 & 4)....	38
4.1.2. Participative Qualitative Research (Specific Objectives 1, 2, 3 & 4).....	39
4.1.3. Comparative Analysis: Methodological Framework.....	43
4.2. Research Ethics	45

4.2.1. Ethical Approval.....	45
4.2.2. Informed Consent and Confidentiality.....	45
5. RESULTS.....	48
5.1. Outline.....	48
5.2. To understand the institutional framework on forced and child marriage.....	48
in Europe and Belgium, including the risk factors and challenges in	
addressing the issue in Belgium (Objectives 1 & 4)	
Forced Marriage: An Analysis of Legislation and Political Measures in Europe.....	49
Forced Marriage in Belgium: An Analysis of the Current Situation.....	71
5.3. To understand the institutional context, social environment and.....	139
cultural perceptions regarding forced and child marriage in	
Morocco (Objective 2 & 4)	
Determinants of Child and Forced Marriage in Morocco: Stakeholder.....	140
Perspectives on Health, Policies and Human Rights.	
5.4. To ascertain the determinants of forced and child marriage in Morocco.....	152
and among the Moroccan communities in Belgium, including the impact	
of the migratory context (Specific Objectives 2 & 3)	
Women’s Perspectives on Marriage and Rights in Morocco:.....	153
Risk Factors for Forced and Early Marriage in the Marrakech Region.	
Marriage and migration: Moroccan women’s views on partner choice,.....	171
arranged and forced marriage in Belgium.	
6. DISCUSSION.....	198
6.1. Identification of Determinants of Forced Marriage.....	198
6.1.1. Micro-Level.....	198
6.1.2. Meso-Level.....	201
6.1.3. Macro-level.....	203
6.2. Impact of Migratory Context.....	208
6.3. Agency as Transversal Theme.....	209
6.4. Limitations.....	212
6.5. Conclusions and Recommendations.....	213
REFERENCES.....	223

LIST OF FIGURES

- Figure 1.1:** Percentage of women aged 20 to 24 years who were first married or in union before age 15 and before age 18, by region
- Figure 1.2:** Regions and countries with the highest rates of child marriage
- Figure 1.3:** Number of women and men aged 18 years and older who were married or in union before ages 15 and 18
- Figure 1.4:** Evolution of percentage of women aged 20 to 24 years who were married or in union before ages 15 and 18 from 1985 to 2010
- Figure 1.5:** Projection of the rates of child marriage up to 2050
- Figure 1.6:** Number of forced and child marriage cases Forced Marriage Unit (UK) from 2009-2016
- Figure 1.7:** Data on forced marriage from several EU Member States from 2011-2015
- Figure 1.8:** Percentage of women aged 20 to 24 years attended at least four times during pregnancy by any provider, by age at first marriage or union, in selected countries
- Figure 1.9:** Number of cases the Forced Marriage Unit (UK) gave advice or support to, by focus country, 2016
- Figure 3.1:** Map of Morocco
- Figure 3.2:** Uneducated Women and Men (millions) in Morocco
- Figure 3.3:** Education Level by Gender and Urban/rural in Morocco
- Figure 3.4:** Allocation of first resident permits to Third Country Nationals (TCN's) in Belgium in 2016
- Figure 3.5:** Overview of studies on forced and child marriage in Belgium between 1999-2012
- Figure 4.1:** Hooghiemstra's heuristic framework
- Figure 6.1:** Determinants of forced and child marriage identified in this doctoral research study

LIST OF ABBREVIATIONS

AIDS	Acquired Immunodeficiency Syndrome
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CRC	United Nations Convention on the Rights of the Child
DHS	Demographic and Health Surveys
EU	European Union
EVAW	End Violence Against Women
FGD	Focus Group Discussion
FGM	Female Genital Mutilation
FMU	Forced Marriage Unit UK
FRA	European Agency for Fundamental Rights
GII	Gender Inequality Index
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPD	International Conference on Population and Development
ICRH	International Centre for Reproductive Health
INSAF	Institut National de Solidarité avec les Femmes (Morocco)
LGBT	Lesbian, Gay, Bisexual and Transgender
MDGs	Millennium Development Goals
MENA	Middle-East and North African region
NGO	Non-Governmental Organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
ONVEF	National Observatory on Violence Against Women (Morocco)
SCLS	Special Court for Sierra Leone
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender-Based Violence
SRH(R)	Sexual and Reproductive Health (and Rights)
STI	Sexually Transmitted Infection
TCN	Third Country National
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review by the UN Human Rights Council
VAW	Violence Against Women
WHA	World Health Assembly
WHO	World Health Organisation

SUMMARY

Introduction

With over 650 million women alive today already suffering the consequences of child marriage, the practice of forced and child marriage disproportionately impacts girls and women. Not only does it violate their fundamental human rights to bodily and sexual integrity, it is a public health problem on a global scale, effectively preventing women around the world from achieving their full potential.

Given its impact on physical and psychological wellbeing, child and forced marriage, as a serious form of violence against women, has long-term detrimental effects on individuals, family and communities as a whole. It brings about a wide range of specific health consequences. A growing body of research is also pointing to the huge economic costs of child and forced marriage, including the direct costs to health care, law enforcement, etc. Considering that the detrimental repercussions are intergenerational, affecting their children as well, full implementation of human rights and access to appropriate health care for women and girls is a prerequisite for global progress and sustainable well-being for all.

In Morocco, the changes to the social and legal framework surrounding sexual and reproductive rights since 2004 seemed very promising to target violence against women in particular. Yet rates of child marriage and violence against women in general remain high, and appear to be on the rise. Furthermore, due to globalisation, increased mobility and large numbers of migrants in host societies, the issue of child and forced marriage has become a concern on an international scale. In Europe, the issue is most often discussed within the contexts of immigration and integration on the one hand, and domestic violence on the other. Migration also includes marriage migration of second and subsequent generations bringing partners from their homeland into the host country. Spurred on by policies at European Union level, Member States have been implementing laws and action plans to tackle the practice. As a result, minority groups have been specifically targeted by a combination of stringent criminal and immigration regulations. It is therefore important to understand the impact of this legal framework on the migrants in Europe for whom the policies were designed. As one of the largest minority groups in Belgium, the Moroccan community is directly affected.

Objectives and Methods

Given the global magnitude of forced and child marriage, and the increasing numbers of international migrants, the general objective of our research is to ascertain the determinants of forced and child marriage in Morocco and the impact of the migratory context on the issue among Moroccan migrants in Belgium. To this end, specific objectives were set forward. First we analysed the prevailing policies and laws regarding forced and child marriage in Europe and Belgium, including the risk factors and challenges in addressing the issue in Belgium. We also attempted to identify what the overall impact is of the (institutional) context and social environment on the practice among minority communities. Second, we aimed to understand the (institutional) context, social environment and cultural perceptions regarding forced and child marriage in Morocco. Third, we aspired to ascertain the determinants of forced and child marriage at the community level in Morocco, and among the Moroccan communities in Belgium, including the impact of the migratory context. And fourth, our aim was to provide recommendations to prevent and efficiently target forced and child marriage in Morocco and in Belgium. By providing stakeholders and policy makers with pertinent contextual knowledge and insights into constraints to decision-making power of women, we aim to contribute to the prevention of forced and child marriage, and enhance sexual and reproductive rights of women and girls.

This study was conducted using a predominantly qualitative approach; comprising the Multiple Streams Approach and participatory research. Kingdon's Multiple Streams Framework¹ is applied to shed light on the policy process regarding forced marriage in Europe and its outcome. Furthermore, obtaining a genuine understanding of the context, and elements within each context, that are influencing child and forced marriage can only be achieved through a participatory approach with the involved parties, in which Focus Group Discussions (FGDs), stakeholder interviews and household interviews are central to the research. The Intergenerational Dialogue method was applied in FGDs in Morocco and Belgium. Additionally, Intercultural Dialogue was conducted in Belgium. Data collected from FGDs was useful in triangulating and validating the information from the household interviews and stakeholder interviews. Respectively 7 (Morocco) and 9 (Belgium) FGDs were held in the research settings. In order for the data to be as representative as possible, the locations of the FGDs incorporated rural/provincial and urban settings in accordance with the country in which they took place. In each country/research setting, approximately 20 households were targeted for in-depth semi-structured interviews. An overall total of 125 women in Morocco and 106 woman in Belgium participated in the FGDs and household interviews. Finally, interviews were held with 22 stakeholders in Morocco and 25 stakeholders in Belgium with firsthand experience of child and forced marriage.

The systematic framework developed by Hooghiemstra² was applied. Besides structural macro-level factors in the wider societal and demographic context, this model also encompasses the role of social networks and community (meso-level) in the more immediate environment and micro-level facets such as personal characteristics (including beliefs and preferences) and direct family to explain decisive factors in partner choice and marriage formation, thus uncovering any form of pressure or duress in this complex process. In addition, the correlation between the multi-level factors was taken into consideration.

We then applied thematic qualitative analysis, in which patterns or themes within the data were reported and analysed using framework grids. Raw data was sorted by theme and placed in the relevant part of the theoretical model through which a conceptual framework of themes and sub-themes was developed, allowing significant factors to emerge.

Results

Despite the reform of the Moroccan Moudawana (Family Code) in 2004, establishing a minimum age for marriage, child and forced marriage remains common. The law presents the opportunity to request a judge to authorize marriage before the age of 18, a provision that is effectively used to a great extent.

From the viewpoint of professionals who are closely involved in tackling the issue in Morocco, policy measures and the law do have considerable potential in bringing child marriages and forced marriages to a halt. Yet despite reforms, equality gaps between men and women remain in a number of laws, particularly in relation to family matters, which continue to weaken women's agency. Women are still not sufficiently protected from violence. The problem lies in the fact that the applicable legal frameworks are interpreted through the lens of restrictive social norms, thus further reinforcing the bias towards women. Social norms in Morocco impact on all aspects of agency, including economic participation, roles in family life and the ability to participate in public life. They are often maintained and strengthened through biased delivery of services by public sector institutions, failing to comply with applicable legal and administrative frameworks. This is the case, for example, when judges in family courts use the loophole in the law to apply their own viewpoints and beliefs to authorize underage marriages.

The combination of unequal treatment in legislation together with limiting social norms that affect women's behaviour cause severe obstacles preventing women's agency. Legal restrictions reflect

¹ Kingdon, J.W. (1984). *Agendas, alternatives and public policies*. Boston and Toronto: Little, Brown and Company.

² Hooghiemstra E: Migrants, Partner Selection and Integration: Crossing Borders? *Journal of comparative family studies* 2001, 32(4)601-626.

the prevailing social norms, especially with regards to family and personal life, where the concept of family honour is effectively upheld by the law. This is evident in the criminalization of consensual sexual relations outside of marriage, yet marital rape is not punished. Norms are enforced through family and community pressure on the one hand, and through self-enforcement by the individual on the other hand. Shame is an inherent part of the culture. This is also discernible in the Moroccan Belgian community, where it lives on in shame around premarital relationships.

The importance of specifically directing efforts towards the older generation of parents and grandparents emerged from the research. As a result of the use of the Intergenerational Dialogue method, participants repeatedly emphasized the need for more opportunities to have open communication between parents and children. The pressure on young women and girls from the elders is often considerable, effectively discouraging daughters from claiming their right to freely enter into marriage. Women in Morocco who openly oppose the will of their fathers are subject to intimidation and ostracism from their families, rendering them cut-off and alone in a male dominated public space.

This also highlights the problem with the specific criminal law against forced marriage in Belgium and other European countries. It takes away the victim's agency, in the sense that police-led interventions and public prosecutors take over without consent from the women or girl herself. Women's agency within minorities is effectively ignored, and victims find themselves alone, unable to remain in their family and social environment. Supporting women from within their communities is overlooked in favour of governments' top-down focus on regulation. Similarly, linking immigration policy with the issue of forced marriage redirects remedial measures away from victims and legitimates the use of state power to punish and restrict. The prevailing policy discourse fails to engage with this dynamic and is at odds with the needs of those it seeks to assist.

It may be beside the point whether or not a specific criminal law and tighter immigration controls are effective means to combat forced marriage; at least in the viewpoint of (potential) victims. Law and policy are treating marriage as a matter pertaining to public interest and not purely as a private matter. Its impact on society and on the lives of those involved legitimizes this interest, yet little or no regard is given to the health effects of victims of forced marriage and those at risk. As attention is placed on criminalization and stringent immigration policies, ethnic minority population groups bear the greatest burden. The conceptualisation and portrayal of forced marriage as a cultural issue acts as a barrier to appropriate intervention. Not only do they suffer reduced accessibility to health providers, the potentially adverse effects of the current policy framework affects their health and well-being at large. The serious consequences for women, including sexual violence, and the physical and psychological health risks associated with it, receive little attention. The research also highlighted that (potential) victims feel they are not able to access mainstream service providers for fear that they will not be understood. Participants from the Moroccan Belgian community consider that they are better off with the help of someone with the same Moroccan background, otherwise they would not implicate an aid organisation or social services.

Among the Moroccan Belgian community, forced and child marriage is no longer an acute problem. This doesn't mean there are no difficulties to overcome. Considerable challenges lie in the "double standards" that apply to men and women in the community. The disempowerment of women as a result, only leads to increased vulnerability and violence in some cases, highlighting the need for tailored support by social services and in health centres.

The migratory context did not appear to perpetuate or give rise to the occurrence of forced marriages and child marriages in a significant way. The results, however, tentatively do point to a strengthening of the element of religion. It not only surfaces as the most imperative element in partner choice, moreover, its re-educating role as a deterrent for forced marriage is notable.

Conclusions and recommendations

The legal framework in Morocco fails to acknowledge the underlying fundamental concepts of women's and girls' rights, instead, women and girls are often conflated with their stereotyped gender roles as wives and mothers, particularly with regard to violence. This bias is reflected in the insufficient protection to women and girls who fall outside stereotyped gender roles. A holistic

approach to violence against women and girls is necessary, recognizing that gender is socially constructed. Among the recommendations, the decriminalization of sexual relations outside marriage is emphasized and the minimum marriage age of 18 should be adhered to, allowing no exceptions.

Pressure from older generations was reported to be a significant determinant of child and forced marriage. In Moroccan society in general, the desires, character and talents of the individual are often overlooked in favour of what is beneficial for the collective: family and community. Therefore, personal characteristics at the micro-level are overall less impactful. Working directly on education, and above all fostering self-confidence and agency in girls and women can, in the long term, increase the impact that micro-level factors will have on preventing a forced marriage. This should go hand in hand with sensitization efforts geared towards the older – often illiterate – population groups, using television and radio, which is crucial to tackle forced and child marriage. The results redefine the role of women’s associations, social workers and so on, with the recommendation to also focus their efforts on awareness raising among older generations.

Child and forced marriage are an outcome of social norms and community pressure. Financial poverty certainly adds to the pressure, making the short-term relief in the burden of poverty by marrying off daughters a viable course of action. Yet, only relieving financial pressure through financial incentives for example is insufficient to achieve the Sustainable Development Goal (SDG) of ending child and forced marriage by 2030. This is demonstrated by the paradoxical experience in the Marrakech region, where the prevalence of child marriage increased despite high rates of economic growth and decline in poverty in the region. Interventions that fail to address the underlying social norms have limited effects. In light of these findings, a long-term and holistic view is necessary. Dimensions such as realized rights (gender equality in norms and laws), health, and access to education should be the focal point to enhance women’s and girls’ agency on all levels (micro-, meso- and macro-level). Rather than cost-benefit based approaches that rely on single-focused indicators, a multi-dimensional approach provides the highest likelihood of improving overall health and well-being in the long run.

In order to successfully address child and forced marriage, programs and interventions are required that are tailored to the local context. Efforts to increase school attendance and educational attainment in the Marrakech region should be supported with complementary efforts such as gender-conscious life-skills programs in schools and structured engagement with communities. Complementary efforts should also include addressing barriers to adequate higher educational and employment opportunities for girls as well as ensuring their safety and security in public spaces.

Seeing that child and forced marriage is deeply rooted within patriarchal societies, the requirement to include working with men and boys is paramount. Our research pointed to the need for the father’s authority to remain intact in any intervention, demonstrating the necessity to engage fathers, fathers-in-law, brothers, etc. Most programs do not meaningfully address men and boys within households to share obligations and household responsibilities set forth in programmatic interventions. Therefore gender relations within families are not configured, which undermines the success of these interventions in the long run. Addressing the engrained ‘double standards’ for men and women in the Moroccan Belgian community would also benefit from directing efforts towards men and boys to level the gender inequality.

A profound shift is paramount where religious and traditional arguments are deeply embedded in the social fabric of the community. Families and parents often look to cultural and religious norms to justify child and forced marriage. In the case of Morocco, religious leaders can be effective advocates in ending child marriage and forced marriage by endorsing to increase the marriage age on the one hand, and by specifying that coercion to marry is not condoned by the Islam. Research in Belgium indicates that religion is already playing a re-educational role among the Moroccan Belgian community with regards to forced and child marriage.

Overall, in light of developments over the past decade, and the increased potential for terrorism, policy choices in Europe have been based on security concerns. Legislation like criminalizing forced marriage has detrimental outcomes for the desired goal of protecting women and children. Prevention of forced marriage cannot be used to limit free movement rights of third-country

national family members of EU citizens beyond what is allowed by the Free Movement Directive (2004/38/EC). Approaching forced and child marriage as a human rights issue and a form of gender-based violence avoids stigmatization of ethnic minorities or communities that are linked to this type of practice. Moreover, it paves the way for effective solutions that are not essentially punitive or restrictive. Health services and programs are an appropriate entry point for addressing interpersonal violence against women and girls, such as forced and child marriage, rather than the emphasis on prosecution and criminalization. A coordinated response for (potential) victims of forced marriages within health facilities in Belgium supports wellbeing, health and safety while simultaneously honouring women's agency. Trained frontline health care workers, situated in local (community) health centres, offer the advantage of being easily accessible and providing anonymous care. Women who experience violence are more likely to use health services than those who do not, although they rarely explicitly disclose violence as the underlying reason. Health care providers are often the first point of professional contact for survivors/victims of violence, and yet the underlying violence is frequently invisible to them. In many cases, health services are currently inadequate due to the invisible nature of the violence itself. Reframing the discourse on forced marriage to one focusing on wellbeing and respecting women's agency, effectively embedding protection in a broader coordinated multi-sectoral policy is a challenge that policymakers should embrace. Providing training and tools for health workers and other frontline workers is paramount.

SAMENVATTING

Inleiding

Met meer dan 650 miljoen vrouwen die op vandaag lijden onder de gevolgen van een kindhuwelijk, heeft de praktijk van gedwongen huwelijk en kindhuwelijk een disproportionele invloed op meisjes en vrouwen. Het schendt niet alleen hun fundamentele mensenrechten op het gebied van lichamelijke en seksuele integriteit, het is ook een probleem voor de volksgezondheid op wereldschaal, en voorkomt zelfs dat vrouwen over de hele wereld zichzelf niet kunnen ontplooiën.

Gezien de invloed ervan op het fysiek en psychologisch welzijn, heeft het gedwongen huwelijk en kindhuwelijk, als een ernstige vorm van geweld tegen vrouwen, op lange termijn nadelige gevolgen voor individuen, families en gemeenschappen. Het veroorzaakt een brede waaier van negatieve gevolgen voor de gezondheid. Een toenemend aantal studies wijst ook op de enorme economische kosten ten gevolge van gedwongen en kindhuwelijken, met inbegrip van de directe kosten voor gezondheidszorg, wetshandhaving, enz. Gezien het feit dat de nadelige gevolgen intergenerationeel zijn, en ook hun kinderen treffen, is de integrale implementatie van mensenrechten én toegang tot passende gezondheidszorg voor vrouwen en meisjes een vereiste voor de wereldwijde vooruitgang en duurzaam welzijn voor iedereen.

In Marokko leken de veranderingen in het sociale en wettelijke kader in 2004 rond seksuele en reproductieve rechten veelbelovend. Toch blijft de omvang van kindhuwelijken en geweld tegen vrouwen in het algemeen zeer hoog en lijkt de prevalentie ervan zelfs te stijgen.

Bovendien, als gevolg van de globalisering, toegenomen mobiliteit en het groot aantal migranten in industriële landen, zijn kind- en gedwongen huwelijken een probleem op internationale schaal geworden. In Europa wordt het probleem het vaakst besproken in de context van immigratie en integratie enerzijds, en huiselijk geweld anderzijds. Migratie omvat ook huwelijksmigratie van de tweede en de volgende generaties die partners uit hun land van herkomst overbrengen. Aangespoord door het beleid op Europees niveau, hebben de Europese landen wetten en actieplannen uitgestippeld om de problematiek aan te pakken. Minderheidsgroepen zijn het specifieke doelwit van strenge immigratiewetgeving en specifieke strafwetten. Het is daarom belangrijk om de impact van dit wettelijk kader op de migranten in Europa, voor wie het beleid in eerste instantie bestemd is, te doorgronden. Als één van de grootste minderheidsgroepen in België, wordt vooral de Marokkaanse gemeenschap rechtstreeks getroffen.

Doelstellingen en Methodes

Gezien de wereldwijde omvang van gedwongen huwelijken en kindhuwelijken en het toenemend aantal internationale migranten, is de algemene doelstelling van ons onderzoek om de determinanten van gedwongen en kindhuwelijk in Marokko te doorgronden en de impact van de migratiecontext op het fenomeen bij de Marokkaanse bevolkingsgroep in België te achterhalen. Daarvoor werden specifieke doelstellingen geformuleerd. Ten eerste wilden we het beleid en wetgeving rond gedwongen en kindhuwelijken in Europa en België analyseren. We hebben daarbij ook gepoogd om de algemene impact van de institutionele context op de minderheidsgemeenschappen te achterhalen, en de risicofactoren te definiëren. Ten tweede wilden we de institutionele context, sociale omgeving en culturele percepties met betrekking tot gedwongen en kindhuwelijken in Marokko in kaart brengen. Ten derde was het onze intentie om de determinanten ervan vast te stellen op gemeenschapsniveau in Marokko, evenals in de Marokkaanse gemeenschap in België, inclusief de impact van de migratiecontext. En ten vierde, was het ons doel om aanbevelingen te doen om gedwongen en kindhuwelijken in Marokko en België te voorkomen en gericht aan te pakken. Door ervaringsdeskundigen en beleidsmakers relevante contextuele kennis en inzichten te bieden in de beperkingen van het zelfbeschikkingsrecht van vrouwen, willen

we zowel bijdragen aan de preventie van gedwongen en kindhuwelijken, als aan de bevordering van de seksuele en reproductieve rechten van vrouwen en meisjes.

In onze studie werd gekozen voor een overwegend kwalitatieve benadering; bestaande uit de Multiple Streams Approach en participatief onderzoek. Kingdon's Multiple Streams Framework wordt toegepast om licht te werpen op het beleidsproces rond gedwongen huwelijken in Europa. Bovendien kan enkel via een participatieve benadering met de betrokken groepen een reëel begrip verkregen worden van de context en de elementen die een invloed hebben op gedwongen en kindhuwelijken. Daarbij staan focusgroepen, diepte-interviews met vrouwen uit de betrokken onderzoeksgroepen, en interviews met sleutelfiguren/experts centraal in het onderzoek. De Intergenerationele Dialoog methode werd toegepast in focusgroepen in Marokko en België. Daarnaast werd de Interculturele Dialoog gevoerd in België. De gegevens die verzameld werden via de focusgroepen waren nuttig voor de triangulatie en validatie van de informatie uit de diepte-interviews en de interviews met sleutelfiguren/experts. Er vonden 7 focusgroepen plaats in Marokko en 9 in België. Om de gegevens zo representatief mogelijk te houden, vonden de focusgroepen plaats in zowel rurale/provinciale gebieden als in stedelijke omgevingen. In elk land werd gestreefd naar ongeveer 20 semi-gestructureerde diepte-interviews. In totaal namen 125 vrouwen in Marokko en 106 vrouwen in België deel aan de focusgroepen en diepte-interviews. Tot slot werden 22 sleutelfiguren/experts in Marokko en 25 in België geïnterviewd die rechtstreekse ervaring hebben met gedwongen en kindhuwelijk.

Voor de analyse pasten we het heuristisch model van Hooghiemstra toe om de determinanten in partnerkeuze en huwelijksluiting te bestuderen. Enige vorm van druk of dwang in dit complex proces komt door de toepassing van dit heuristisch model aan het licht. Naast structurele factoren op macro-niveau in de ruimere maatschappelijke en demografische context, omvat dit model ook de rol van sociale netwerken en gemeenschappen (meso-niveau) in de nabije omgeving, evenals aspecten op microniveau zoals persoonlijke kenmerken (inclusief overtuigingen en voorkeuren) én directe familie. Daarenboven namen we ook de correlatie tussen de factoren op de verschillende niveaus in overweging.

Vervolgens pasten we thematische kwalitatieve analyse toe. Patronen of thema's binnenin de onderzoeksdata werden gerapporteerd en geanalyseerd met behulp van een systematisch raamwerk. De ruwe gegevens werden per thema gesorteerd en in het relevante deel van het theoretisch model geplaatst, waardoor een conceptueel kader van thema's en subthema's ontstond.

Resultaten

Ondanks de hervorming van de Marokkaanse Moudawana (Familiwet) in 2004, waarbij een minimumleeftijd om te huwen werd bepaald, blijven gedwongen en kindhuwelijken een gangbare praktijk. De wet biedt immers de mogelijkheid om de rechter te verzoeken om toestemming te verlenen aan het huwelijk vóór de leeftijd van 18 jaar, een regeling die in grote mate wordt toegepast.

Vanuit het oogpunt van sleutelfiguren en experts die nauw betrokken zijn bij de problematiek in Marokko, hebben beleidsmaatregelen en de wet aanzienlijke mogelijkheden om gedwongen en kindhuwelijken te beteugelen. Ondanks deze hervormingen blijven de verschillen in gelijkheid tussen mannen en vrouwen echter voortbestaan in de wetgeving, voornamelijk met betrekking tot familiale aangelegenheden. Dit heeft tot gevolg dat de *agency* van vrouwen systematisch aan banden wordt gelegd. Vrouwen worden nog steeds niet voldoende beschermd tegen geweld. Het probleem ligt in het feit dat de toepasselijke wettelijke kaders worden geïnterpreteerd worden door de lens van gangbare restrictieve sociale normen, wat de vooroordelen ten opzichte van vrouwen verder bekrachtigt. Sociale normen in Marokko hebben invloed op alle aspecten van het zelfbeslissingsrecht van vrouwen, waaronder economische participatie, de positie in het gezin en het vermogen om deel te nemen aan het openbare leven. De dienstverlening van publieke instellingen voldoet niet aan de wettelijke en administratieve richtlijnen, wat de discriminatie nog meer versterkt. Dit is bijvoorbeeld het geval wanneer rechters in familierechtbanken hun eigen standpunten en overtuigingen toepassen om huwelijken van minderjarigen goed te keuren.

De combinatie van ongelijke behandeling in de wetgeving samen met de beperkende sociale normen die gelden voor vrouwen, hindert de *agency* van vrouwen aanzienlijk. Wettelijke beperkingen weerspiegelen de heersende sociale normen, vooral met betrekking tot het gezins- en privéleven. Het concept van *familie-eer* wordt daadwerkelijk door de wet gehandhaafd. Dit blijkt uit de criminalisering van buitenhuwelijkse seksuele relaties, maar daarentegen staat dat echtelijke verkrachting niet strafbaar is. Normen worden afgedwongen door familiale- en gemeenschapsdruk aan de ene kant en zelfhandhaving door het individu aan de andere kant. Schaamte is een inherent onderdeel van de cultuur. Dit is ook waarneembaar in de Marokkaanse Belgische gemeenschap, waar schaamte voortleeft omtrent voorhuwelijkse relaties.

Het belang om de generatie van ouders en grootouders op gerichte wijze te betrekken, kwam naar boven in het onderzoek. De Intergenerationele Dialoog had tot gevolg dat deelnemers herhaaldelijk de behoefte naar meer mogelijkheden voor open communicatie tussen ouders en kinderen benadrukten. De druk op jonge vrouwen en meisjes door de oudere generatie is vaak aanzienlijk, waardoor dochters effectief worden ontmoedigd om hun recht op vrije partnerkeuze op te eisen. Vrouwen in Marokko die openlijk tegen de wil van hun vader opkomen, zijn onderhevig aan intimidatie en uitbanning van hun families, waardoor ze alleen komen te staan in een door mannen gedomineerde openbare ruimte.

Dit benadrukt ook het probleem van de specifieke strafwet tegen gedwongen huwelijken in België en andere Europese landen. Het neemt de *agency* van het slachtoffer weg, in de zin dat politie en openbare aanklagers gaan ingrijpen en een procedure opstarten zonder toestemming van het meisje of de vrouw. De *agency* van de vrouw in minderheidsgroepen wordt effectief genegeerd en de slachtoffers staan er alleen voor. Ze kunnen niet langer in hun familiale en sociale kring blijven. Ondersteuning van vrouwen van binnenuit hun gemeenschap wordt over het hoofd gezien ten gunste van de *top-down* focus van beleidsmakers op regelgeving. Eveneens staat het koppelen van gedwongen huwelijk aan het immigratiebeleid curatieve maatregelen voor de slachtoffers in de weg. Het heersende discours van politiek en beleid slaagt er absoluut niet in om met deze dynamiek rekening te houden, waardoor het niet kan voldoen aan de behoeften van (potentiële) slachtoffers.

Het is mogelijks een bijzaak of een specifieke strafwet en strengere immigratiewetgeving al dan niet effectief zijn om gedwongen huwelijken te bestrijden; althans in het licht van (potentiële) slachtoffers. De wet en het beleid behandelen het huwelijk als een zaak die betrekking heeft op het algemeen belang en niet louter als een privé aangelegenheid. De impact ervan op de samenleving en op het leven van de betrokkenen legitimeert deze zienswijze, maar er wordt weinig of geen aandacht besteed aan de gevolgen voor de gezondheid van (potentiële) slachtoffers van gedwongen huwelijken. Gezien alle aandacht gaat naar criminalisering en een streng immigratiebeleid, dragen etnische minderheidsgroepen de grootste last. De conceptualisering en het uitspelen van gedwongen huwelijken als een culturele kwestie vormt een belemmering voor passende hulpverlening. Een jammerlijk gevolg hiervan is dat hulpverleners veel minder toegankelijk zijn; de mogelijk nadelige effecten van het huidige beleidskader beïnvloeden de gezondheid en het welzijn van slachtoffers in ruime zin. De ernstige gevolgen voor vrouwen, waaronder seksueel geweld, en de fysieke en psychologische gezondheidsrisico's die daarmee gepaard gaan, krijgen weinig aandacht. Het onderzoek wees ook uit dat (potentiële) slachtoffers van mening zijn dat ze reguliere hulpverleners niet kunnen benaderen uit angst voor onbegrip. Deelnemers van de Marokkaanse Belgische gemeenschap zijn van oordeel dat ze beter geholpen worden door iemand met dezelfde Marokkaanse achtergrond, anders zouden ze zelf niet de stap zetten naar een hulporganisatie of sociale dienst.

Binnen de Marokkaanse Belgische gemeenschap zijn gedwongen en kindhuwelijken geen acuut probleem meer. Dit betekent niet dat er geen te overwinnen moeilijkheden meer zijn. Aanzienlijke uitdagingen liggen in het feit dat er nog steeds een 'dubbele standaard' geldt voor mannen en vrouwen in de gemeenschap. De *disempowerment* van vrouwen als gevolg daarvan leidt in sommige gevallen tot verhoogde kwetsbaarheid en geweld, wat de noodzaak van ondersteuning op maat door sociale diensten en in gezondheidscentra alleen maar nog acuter maakt.

De migratiecontext leidt niet tot een bestending of beduidende toename van het aantal gedwongen huwelijken en kindhuwelijken in de Marokkaanse Belgische gemeenschap. De resultaten wijzen er echter wel op dat vooral religieuze elementen een grote rol spelen. Religie wordt niet alleen gezien

als de meest dwingende factor in partnerkeuze, het is vooral opmerkelijk dat het een heropvoedende rol speelt in het afraden van gedwongen en kindhuwelijk.

Conclusies en Aanbevelingen

Het wettelijk kader in Marokko miskent de fundamentele concepten van rechten van vrouwen en meisjes, integendeel, ze worden vaak op één lijn geplaatst met de stereotype genderrollen als vrouwen en moeders. Deze vooringenomenheid komt tot uiting in onvoldoende bescherming tegen geweld voor vrouwen en meisjes die buiten deze stereotype genderrollen vallen. Een holistische benadering van geweld tegen vrouwen en meisjes is noodzakelijk, ermee rekening houdend dat een genderbeeld op zich sociaal geconstrueerd is. Als aanbeveling wordt ondermeer de decriminalisering van buitenhuwelijkse seksuele relaties benadrukt, en moet de minimale huwelijksleeftijd van 18 jaar worden gerespecteerd zonder uitzonderingen toe te staan.

De druk van oudere generaties bleek een belangrijke bepalende factor te zijn voor gedwongen en kindhuwelijken. In de Marokkaanse samenleving worden de verlangens, het karakter en de talenten van het individu vaak over het hoofd gezien ten gunste van wat nuttig is voor het collectief: de familie en de gemeenschap. Om die reden hebben persoonlijke karakteristieken op micro-niveau over het algemeen minder invloed. Rechtstreeks werken aan onderwijs en vooral het cultiveren van zelfvertrouwen, keuzevrijheid en *agency* bij meisjes en vrouwen kan op de lange termijn de impact vergroten van factoren op micro-niveau die helpen om een gedwongen huwelijk te voorkomen. Dit zou hand in hand moeten gaan met sensibilisering van de oudere - vaak analfabete - bevolkingsgroepen, met behulp van televisie en radio, wat cruciaal is om gedwongen en kindhuwelijken aan te pakken. De resultaten herdefiniëren de rol van vrouwenverenigingen, maatschappelijk werkers, enz. met de aanbeveling om hun inspanningen ook te richten op bewustmaking van oudere generaties.

Gedwongen en kindhuwelijken zijn het resultaat van sociale normen en van druk vanuit de gemeenschap. Financiële armoede draagt daar ook zeker toe bij. Dochters uithuwelijken is veelal een manier om op korte termijn armoede te verhelpen. Maar enkel de ontlasting van financiële druk door financiële ondersteuning is onvoldoende om de Duurzame Ontwikkelingsdoelstelling (SDG) te bereiken die tegen 2030 een einde wil maken aan gedwongen en kindhuwelijken. Dit wordt op paradoxale manier aangetoond in de regio van Marrakech, waar de prevalentie van kindhuwelijken toename, ondanks de grote economische groei en de afname van de armoede in de regio. Interventies die niet zijn afgestemd op de onderliggende sociale normen hebben weinig impact. In het licht van deze bevindingen is een holistisch visie op lange termijn noodzakelijk. Dimensies zoals verworven rechten (gendergelijkheid in normen en wetten), gezondheid en toegang tot onderwijs zouden centraal moeten staan om de positie van vrouwen en meisjes op alle niveaus (op micro-, meso- en macro-niveau) te verbeteren. In plaats van een kosten-batenanalyse die louter gebaseerd is op enkelvoudige indicatoren, biedt een multidimensionale benadering de grootste kans op verbetering van de algemene gezondheid en het welzijn op lange termijn.

Om kindhuwelijken en gedwongen huwelijken met succes aan te pakken, zijn programma's en interventies vereist die helemaal zijn afgestemd op de lokale context. De inspanningen om het aantal schoolgaande kinderen en het opleidingsniveau in de Marrakech-regio te vergroten, moeten worden ondersteund door aanvullende inspanningen zoals: *gender-conscious life-skills programs* op scholen en een gestructureerde engagement met de lokale gemeenschappen. Aanvullende inspanningen moeten meer mogelijkheden voor hoger onderwijs en werkgelegenheid voor meisjes creëren, evenals het waarborgen van hun veiligheid, ook in openbare ruimtes.

Aangezien gedwongen en kindhuwelijken diep geworteld zijn in patriarchale samenlevingen, is het van het allergrootste belang om ook samenwerkingen met mannen en jongens aan te gaan. Ons onderzoek wees uit dat het gezag van de vader intact en gerespecteerd moest blijven in elke interventie, wat aangeeft dat het nodig is om vaders, schoonvaders, broers enz. te betrekken. De meeste interventies sporen mannen en jongens in het ker gezin niet aan om verantwoordelijkheden en taken van het huishouden te delen. Genderverhoudingen binnen families worden niet aangekaart, wat het succes van deze interventies op lange termijn ondermijnt. Voor de aanpak van de diep gewortelde 'dubbele standaard' voor mannen en vrouwen in de Marokkaanse Belgische

gemeenschap is het eveneens van belang om mannen en jongens te betrekken. Een ingrijpende verschuiving is broodnodig, vooral waar religieuze en traditionele argumenten diep verankerd zijn in het sociale weefsel van de gemeenschap. Gezinnen en ouders kijken vaak naar culturele en religieuze normen om kind- en gedwongen huwelijken te rechtvaardigen. In het geval van Marokko kunnen religieuze leiders effectieve pleitbezorgers zijn om het een halt toe te roepen, door er mee achter te staan dat de huwelijksleeftijd wordt verhoogd, en door te verduidelijken dat *iemand dwingen om te trouwen* niet wordt toegestaan door de islam. Onderzoek in België geeft ondertussen al aan dat religie een heropvoedende rol speelt bij de Marokkaanse Belgische gemeenschap, in relatie tot gedwongen- en kindhuwelijken.

Over het algemeen zijn, in het licht van de ontwikkelingen van het afgelopen decennium en het toegenomen potentieel voor terrorisme, de beleidskeuzes in Europa vooral gebaseerd op bezorgdheid omtrent veiligheid. Wetgeving zoals de criminalisering van gedwongen huwelijken heeft een averechts effect op het gewenste resultaat: de bescherming van vrouwen en kinderen. De preventie van gedwongen huwelijken kan niet worden ingezet om het vrij verkeer en verblijf voor familieleden van EU- burgers uit derde landen verder in te perken dan wat is toegestaan op grond van de Richtlijn (2004/38/EG). Door gedwongen en kindhuwelijken aan te pakken als een mensenrechtenkwesitie en een vorm van gendergerelateerd geweld, wordt stigmatisering van etnische minderheden of gemeenschappen, die met dit soort praktijken zijn verbonden, vermeden. Bovendien effent het de weg naar effectieve oplossingen die in wezen niet criminaliseren of beperken. Gezondheidsdiensten zijn effectiever als ingangspunt voor het aanpakken van gendergerelateerd geweld tegen vrouwen en meisjes, zoals gedwongen en kindhuwelijken, in tegenstelling tot louter vervolging en criminalisering. Een gecoördineerde aanpak van (potentiële) slachtoffers van gedwongen huwelijken binnen gezondheidsinstellingen in België ondersteunt welzijn, gezondheid en veiligheid en respecteert tegelijkertijd de positie van vrouwen. Getrainde eerstelijnsverleneren, gesitueerd in lokale gezondheidscentra, bieden het voordeel dat ze gemakkelijk toegankelijk zijn en anonieme zorg verstrekken. Vrouwen die geweld ervaren, maken eerder gebruik van gezondheidsdiensten dan diegene die zoiets niet mee maken, hoewel ze zelden geweld als de expliciete onderliggende reden onthullen. Zorgverleners zijn vaak het eerste aanspreekpunt voor slachtoffers van geweld, en toch is net dat onderliggende geweld vaak onzichtbaar voor hulpverleners. Daarbovenop zijn gezondheidsdiensten momenteel vaak ontoereikend vanwege het onzichtbare karakter van het geweld zelf. De uitdaging die beleidsmakers nu dienen te omarmen: het herformuleren van de dialoog omtrent het gedwongen huwelijk om het welzijn en het respecteren *van agency* centraal te plaatsen. Effectieve bescherming dient daadwerkelijk geïntegreerd te worden in een breder gecoördineerd multisectoraal beleid. Van cruciaal belang daarbij zijn aansluitende trainingen en hulpmiddelen voor hulpverleners en andere eerstelijnsverleneren.



1. INTRODUCTION

1.1. Background

Sexual and reproductive health and rights (SRHR) are fundamental to people's health, to economic development and to the wellbeing of humanity at large. [1] Remarkable progress has been made since the 1974 World Population Conference in Bucharest and the 1984 International Conference on Population in Mexico, but it was the 1994 International Conference on Population and Development (ICPD) in Cairo and the Beijing Platform for Action (1995) that brought a sharper focus on women. Sexual and reproductive health and rights were introduced as new concepts, and the centrality of addressing interconnections between gender equality, human rights, and sexual and reproductive health (SRH) was recognized. The Cairo conference achieved consensus on key issues such as universal access to education, reduction of infant, child and maternal mortality, and access to reproductive and sexual health services, including family planning. [1] Around the same time, violence against women was put higher on the agenda with the 1993 UN Declaration on the Elimination of Violence against Women.¹ [2] These developments were reflected at the level of international policy, as well as at policy and programmatic level within countries. [3] Despite the increased attention, sexual and reproductive health and rights (SRHR) has been overlooked globally. It was only under the Millennium Development Goals (MDGs)² that the massive scale of violence against women was recognised. For the first time in history, the promotion of gender equality was considered a transversal theme, a pivotal component to reach every goal that had been set forth. The inter-linkages between the goals, gender equality and women's empowerment cannot be emphasized enough. [4] Violence is a major obstacle to social and economic development, and violence against women specifically hinders progress and women's empowerment on all levels. [5] It is regarded as both a public health and human rights concern. This increased attention, however, exposed the extent of forced marriages and child marriages occurring on a global scale. Over the past decade numerous efforts have been undertaken to raise awareness and tackle the issue. New international initiatives, such as "Girls not Brides"³ were launched in this period. Yet it became apparent that the protection of sexual and reproductive health and rights (SRHR), as well as the unique needs of adolescent girls and young women, were overlooked in the Millennium Development Goals. [6-7] The persistent occurrence of forced and child marriage led to the welfare of adolescent girls and young women being recognized as a crucial element for the post-2015 development agenda. Ending forced and child marriage is now specifically targeted in the Sustainable Development Goals (SDGs), the international development priorities for the 2015-2030 period.⁴ With these goals in mind, UNICEF and UNFPA put in place the *Global Programme to Accelerate Action to End Child Marriage*. This joint effort was launched in 12 countries covering four regions: Eastern and Southern Africa, the Middle East and North Africa, South Asia, and West and Central Africa.⁵ [8] UNFPA and UNICEF have adopted a rights-based approach to

¹ The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" [2]

² In 2000, the international community agreed upon a set of eight goals, known as the Millennium Development Goals, set to come to an end in 2015. (<http://www.un.org/millenniumgoals/>)

³ Girls Not Brides was initiated in September 2011 by The Elders, a group of independent global leaders working together for peace and human rights, as part of their efforts to more attention to the harmful practices that hold girls and women back, and to encourage and empower others to work to create a world without child marriage.

Girls Not Brides became an independent charity in 2013. Archbishop Desmond Tutu, Mrs Graca Machel and Sonita Alizadeh are Girls Not Brides Global Champions and advocates to end child marriage. (<http://www.girlsnotbrides.org/about-girls-not-brides/#mission-statement>)

⁴ It is specifically included as a target under goal 5: Achieve gender equality and empower all women and girls. (<http://www.un.org/sustainabledevelopment/gender-equality/>)

⁵ Bangladesh, Burkina Faso, Ethiopia, Ghana, India, Mozambique, Nepal, Niger, Sierra Leone, Uganda, Yemen and Zambia. [8]

programming and seek to apply a gender lens to work towards gender equality, which is essential in the work to promote sexual and reproductive health and rights of girls and women. With over 650 million women alive today already suffering the consequences of child marriage [9], the practice of forced and child marriage disproportionately impacts girls and women.⁶ Not only does violence against women and girls violate their fundamental human rights, it prevents women around the world from achieving their full potential. Given that the detrimental repercussions affect their children as well, full implementation of human rights for women and girls is a prerequisite for *global progress and sustainable well-being for all*. [5,7,10]

1.1.1. Defining Forced Marriage and Child Marriage

Attempting to set forth a definition brings to light the complexity of the issue. Given that there is no official universally binding definition, different interpretations circulate at national, regional (EU) and international level.

One of the earliest comparative studies on forced marriage in Europe defines forced marriage as an ‘umbrella term’ encompassing various types of unions, such as arranged marriage, traditional marriage, marriage as slavery, marriage for reasons of custom, expediency or perceived respectability, child marriage, early marriage, fictitious, bogus or sham marriage, marriage of convenience, unconsummated marriage, putative marriage, marriage to acquire nationality and undesirable marriage. [11]

The End Violence Against Women and Girls (EVAW) initiative equally points out that the specific context in which forced marriage occurs per country or region should be carefully considered, as the practice can take on many forms. In addition to the list above, EVAW adds that forced marriage may also occur in situations involving human trafficking, mail order marriages, marriages as dispute settlement, trokosi (the practice of giving young virgin girls to priests to serve as sexual slaves as payment for services or as atonement), bride kidnapping, and forced marriage of people with disabilities. [10]

Apart from the pressure to enter into a coerced marriage, being forced to stay in the union without the ability to end or leave the marriage is equally problematic. The 2014 Annual Report of the UN High Commissioner for Human Rights highlights this dimension of being trapped in a forced marriage in its understanding of the practice. [12] This viewpoint highlights the ongoing nature of the ‘violence’ and the hugely detrimental impact on the victim.

Despite the various interpretations and definitions, several elements are recurrent in any definition. These elements are considered key to the notion of a forced marriage: it is a **union**, formal or informal, where one or both parties are **coerced** into a marriage against their will and under **duress**. Each of these elements gives rise to an additional discussion.

a) Union

Any formal or informal union could be the subject of a forced marriage. Nuptials recognised in civil law are only part of the equation. The definition also extends to religious or customary rites that might not be legally recognized by the government of the country they take place in. As soon as there is a binding understanding within the wider community that the couple has entered into matrimony, regardless if there is an official document, then this constitutes a union. [13]

⁶ While acknowledging that men and boys can also be subjected to a forced or child marriage, their numbers are much lower. This research focuses primarily on women and girls, given the greater impact and detrimental consequences that a forced or child marriage has on their lives. Safety issues for our research population were also a motive to only include female participants. In subsequent chapters, more is discussed on the prevalence and the gendered nature of the issue.

b) Coercion versus Consent

International law prescribes that marriage shall only be entered into with the free and full consent of both spouses.⁷ Except for cases where there is actual physical violence that denies a person's freedom of consent, it is difficult to determine whether or not the union was entered into freely. It all depends on the circumstances in which the intent is expressed. Feelings of anxiety and fear can overrule any resistance to a marriage, leaving a person vulnerable and unable to escape the union, thus making it difficult to distinguish between arranged and forced marriages. This is where the element of duress comes in to further aid in defining a lack of consent.

There is no international consensus whether the physical presence of both spouses is required as a means of establishing consent to the nuptials. The UN General Assembly in its Twentieth Session, elaborated on the fact that marriage by proxy is permitted, but '*only when the competent authorities are satisfied that each party has, before a competent authority [...], fully and freely expressed consent before witnesses and not withdrawn such consent*'. [14] Yet, the End Violence Against Women and Girls platform opposes this option and strongly urges countries to require the physical presence of both spouses plus witnesses at the legal proceedings for the marriage. In order to combat non-consensual marriages, legal recognition should not be granted by proxy. Consent needs to be expressed in person in the presence of a competent authority. [10]

c) Duress

By conceptualizing the lack of consent in the definition, it remains unclear what constitutes consent and the degree to which the validity of consent can vary. [15] The element of duress further elucidates in what manner genuine consent is hampered.

Duress can include physical, psychological, financial, sexual and emotional pressure. [16-18] The UK Court of Appeal states that the test for duress is whether 'the mind of the [victim] has in fact been overborne, howsoever that was caused.' This subjective test of the Court of Appeal is used to ascertain if the threats, pressure or other forms of duress are sufficient to 'destroy the reality of consent and overbear the will of the individual.'⁸ Certain categories of vulnerable adults, such as people with a learning disability or mental illness, are incapable of giving consent. In their case, coercion is not required for a marriage to be forced. [16]

The Council of Europe clarifies that consent is absent when family members use 'coercive methods such as pressure of various kinds, emotional blackmail, physical duress, violence, abduction, confinement and confiscation of official paper', effectively denying one or both parties the option of refusal. [20]

Child marriage⁹

Child marriage, defined as a marriage where one or both spouses has not reached the age of 18 years, is a widespread practice, especially in low- and middle-income countries. It is also considered a forced marriage. In the case of child marriage, the lack of maturity makes consent impossible, therefore forced marriage necessarily encompasses child marriage.¹⁰ [15] The United

⁷ Universal Declaration of Human Rights (10 December 1948), art 16(2); International Covenant on Civil and Political Rights (16 December 1966), art 23(3); Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (10 December 1962), art 1; Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979), art 16(1)(b).

⁸ *Hirani vs Hirani* (1984) 4 FLR 232 CA. A similar judgment was found in the case of *P v R* (2003) 1 FLR 661. However, duress was not established in the case of *Singh v Singh* (1971) 2 All ER 828. [15, 19]

⁹ Child marriage is also commonly referred to as 'early marriage'.

¹⁰ Universal Declaration of Human Rights (10 December 1948), UN Doc A/810 91.

Nations Convention on the Rights of the Child (CRC, 1989) defines a child as anyone under the age of 18 years:

Art. 1 CRC: “For the purpose of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” (adopted by the UN General Assembly in 1989).

International human rights law requires states to specify a minimum age for marriage in their legislation. Already in 1964, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages called on states to ensure a minimum age for marriage and the registration of all marriages by a competent authority.¹¹ Both the UN Committee on the Rights of the Child as the UN Committee on the Discrimination against Women recommended setting the minimum age for marriage with and without parental consent to 18 years, both for girls and boys. [19, 21] The age of 18 years is based on universalised notions of maturity. [22, 23] However this raises questions regarding the concepts of childhood and marriage across cultures. [23] In many countries, child marriage is socially and cultural acceptable, and sometimes stimulated by religious beliefs, effectively limiting the ability of adolescents to make free and informed choices. [24]

It is argued that the age of 18 years provides an objective benchmark for presumed capacity to make the decision to marry. [25] Yet other factors, such as experience, ability and context are equally important for determining capacity. Therefore, as a matter of respecting the child’s evolving capacities and autonomy in making life-altering decisions, the joint UN Committees have authorized marriage of a mature, capable child below the age of 18, provided that the child is at least 16 years old. In their joint statement of 2014, the Committees specify that such a decision must be made by a judge based on legitimate exceptional grounds, defined by law, and on the evidence of maturity without deference to cultures and traditions. [26]

Many countries legally allow young people between the ages of 16-18 years to marry with parental consent, often validated by a judicial decision, effectively exposing an adolescent to pressure from family members to comply with cultural and social traditions or customs. This is effectively the case in Morocco, despite promising changes to the Moroccan Family Code (Moudawana) in 2004.¹² Research shows that where exceptions permit children under the age of 18 to marry, these exceptions are often used in harmful ways. [25, 27] In fact, many cases that come before the courts are taken in a cultural context which condones child marriage, which means that courts are inclined to authorize such unions. [25] Recently, in 2016, the Committee on the Rights of the Child reaffirmed that the minimum age limit should be 18 years for marriage. Significantly, no exceptions were alluded to this time. [28]

Several international conventions at the regional level also specifically refer to child marriage. [25, 29] The African Charter on the Rights and Welfare of the Child of 1990 adopts a strong stance against harmful traditional and social practices that affect the ‘welfare, dignity, normal growth and development’ of the child, including those practices that discriminate based on sex.[10] The charter prohibits child marriage and the betrothal of children, calling for effective action, including legislation, ‘to specify the minimum age of marriage to be 18 years.’¹³ In 2003, the Maputo Protocol calls on all states parties to enact appropriate national legislative measures to guarantee that the minimum age of marriage for women shall be 18 years.¹⁴

¹¹ Articles 2 and 3 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (10 December 1962)

¹² Article 20 of the Moudawana stipulates that the Family Affairs Judge in charge of marriage may authorize the marriage of a girl or boy below the legal age of marriage, in a well- substantiated decision explaining the interest and reasons justifying the marriage, after having heard the parents of the minor who has not yet reached the age of capacity or his/her legal tutor, with the assistance of medical expertise or after having conducted a social enquiry. [Art. 20 Code de la Famille (Moudawana), Bulletin Officiel No. 5358 (6 Oct. 2005)]

¹³ Article 21 of the African Charter on the Rights and the Welfare of the Child 1990.

¹⁴ Article 6 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), 2003.

The Parliamentary Assembly Resolution 1468 of the Council of Europe defines child marriage as the union of two persons, one of whom is under 18 years of age (para. 7). [30]

These international and regional agreements on minimum age of marriage are important in setting standards that governments should adhere to in protecting children from being married off. On top of that, they can be used to hold governments accountable for failing to implement adequate measures.

As a result, governments are taking action. Between 1995 and 2012, around 30 countries increased their minimum age of marriage to 18 years, or removed exceptions allowing nuptials to take place before 18 years. [25] Currently, more countries are taking steps towards legal reform. [27]

Arranged marriage and marriage of convenience

Forced marriages are distinguished from arranged marriages and marriages of convenience on account of the element of consent. In arranged marriages, the spouses are introduced by parents or relatives but both parties give their full and free consent to the union, therein lies the difference with forced marriage. [15, 31] A marriage of convenience is a union that is arranged or orchestrated for personal gain, whether financial or political, or some other strategic purpose such as obtaining a residence permit. In practice, however, it can become difficult to accurately determine at what point pressure becomes great enough to implicate genuine force in order to distinguish arranged marriages and marriages of convenience from forced marriages. [32, 33] Along this line, the term 'consent' is contested by researchers who argue that it is context bound and embedded within power relations, rather than an act of pure individual agency. [34] Research points to a continuum, on which differing levels of consent, pressure and negotiation space are situated. [32, 35] The continuum ranges from marriages imposed on individuals against their will, to having some negotiating space in choosing from the presented marriage partners, to a marriage where both parties fully consent to and actively choose the proposed partner. [32, 35] The grey areas in the middle, where the individual has some limited ability or agency to negotiate, are problematic. Cultural and religious norms affect the amount of influence that the family's choice has on a girl or a young woman. The more authoritative such a choice is, the stronger the psychological pressure is to accept the proposed partner. [15] Often, the girl or young woman is unaware of how she was coerced into the union at the time. Victims' perceptions of their marriage can evolve over time. A marriage could be considered arranged at the very beginning, and then become forced later on when the victim is hindered from leaving her spouse. [35, 36]

The Council of the European Union defines marriages of convenience in a more narrow context by stating that they are contracted for the sole purpose of enabling the person concerned to enter or reside in a Member State of the EU.¹⁵ Although there might be consent from both parties, the distinction with a forced marriage is blurred and is situated somewhere along the continuum. Pressure, from the family or community, is often involved. In recent years Europol has drawn attention to a trend whereby women from the EU are trafficked under false pretences, such as employment or monetary reward, and then married off to a third country national to obtain a residence permit. [19, 37] In these circumstances genuine consent is lacking, as it is prompted by coercion and duress. [15]

1.1.2. Forced Marriage as a Human Rights Issue

Forced marriage is widely recognised as a human rights abuse, violating a number of international human rights norms, including the right to freely enter into marriage, and to bodily and sexual integrity. As early as 1948, the right to free and full consent to marriage was stipulated by the Universal Declaration of Human Rights.¹⁶ The recognition of the right to consent to marriage is

¹⁵ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, L 251/12, Article 16 (2) b.

¹⁶ Article 16(2) Universal Declaration of Human Rights: "Marriage shall be entered into only with the free and full consent of the intending spouse".

also guaranteed by the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1981).¹⁷ The United Nations Committee on the Elimination of Discrimination against Women emphasized that the provision encompasses the right *to choose, if, when and whom to marry*. [38] Not only does forced marriage constitute a human rights violation, international criminal courts have confirmed that forced marriage also constitutes a crime against humanity if it happens in a widespread or systematic way.¹⁸ Before its recognition as a separate crime of humanity, it had been conceptualised as a form of sexual slavery.¹⁹ The latest development emphasizes the gravity of a forced marriage by confirming its classification as a crime against humanity under ‘other inhumane acts’ within the meaning of article 7(1)(k) of the Rome Statute.²⁰ [39] The Special Court for Sierra Leone (SCSL) Appeals Chamber defined forced marriage as ‘as situation in which the perpetrator through his words or conduct, or those of someone for whose actions he is responsible, compels a person by force, threat of force, or coercion to serve as a conjugal partner resulting in severe suffering, or physical, mental or psychological injury to the victim.’²¹

The United Nations Human Rights Council (UNHRC) adopted its first ‘historic’ Resolution on Child, Early and Forced Marriage on 23 September 2013, emphasizing the urgency to strengthen efforts on a global scale. With 107 countries co-sponsoring this Resolution, including states with high rates of child marriages, the political will to end the practice had reached levels of support unseen in the recent decade. Shortly thereafter, on 17 November 2014, the UN General Assembly (UNGA) continued along a similar course by adopting a landmark Resolution on the issue. [40] This Resolution puts forward recommendations for Member States and international organisations to counter the practice. Building on the momentum, the Human Rights Council (UNHRC) adopted another Resolution on 2 July 2015. [41] Co-sponsored by 88 countries and adopted by consensus, it recognises child marriage as a violation of human rights and a barrier to sustainable development. In the months leading up to the adoption of the post-2015 Sustainable Development Goals, the timing of the Resolution was significant.²²

On 19 December 2016, the United Nations General Assembly (UNGA) adopted a second Resolution on child, early and forced marriage, specifically recognising gender equality as a root cause. [42] It also emphasizes the issue as *harmful* abuse of human rights. [43] The latest UNHRC Resolution of 22 June 2017 recognises the need to address child, early and forced marriage in humanitarian settings. [44]

The significance of UN Resolutions cannot be underestimated, even though they seem far removed from the reality of being stuck in a child and forced marriage, they build political will to end the practice and acknowledge its harmful effects. In addition, these resolutions provide accountability to governments.

¹⁷ Article 23 ICCPR, article 10(1) ICESCR and article 16 CEDAW.

¹⁸ *Situation in Uganda, Prosecutor v Ongwen*, Decision on the confirmation of charges, Case no ICC-02/04-01/15, 23 March 2016. (https://www.icc-cpi.int/CourtRecords/CR2016_02331.PDF)

¹⁹ Articles 1 and 2 of the United Nations Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery akin forced marriage to slavery.

(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>)

²⁰ *Situation in Uganda, Prosecutor v Ongwen*, Decision on the confirmation of charges (n3), Case no ICC-02/04-01/15, 23 March 2016, para 95. (https://www.icc-cpi.int/CourtRecords/CR2016_02331.PDF)

²¹ *Prosecutor v Brima, Kamara and Kanu*, Appeals Judgment, Case no SCSL-04-16-A, 22 February 2008, para 701. (<http://www.rscsl.org/Documents/Decisions/AFRC/613/SCSL-04-16-T-613s.pdf>); See also *Prosecutor v Sesay, Kallon and Gbao*, Appeals Judgment, Case no SCSL-04-15-A, 26 October 2009, para 736. (<http://www.rscsl.org/Documents/Decisions/RUF/Appeal/1321/RUF%20Appeal%20Judgment.pdf>)

²² With the end of the Millennium Development Goals in 2015, the Sustainable Development Goals (SDGs) were adopted as the new agenda for the international community. Ending child marriage and forced marriage is specifically included as a target of goal 5 of the SDGs, which aims to achieve gender equality and empower women and girls.

1.1.3. Forced Marriage from a Gender Perspective

Although there is a lack of consensus in defining violence against women [45, 46], the United Nations supports an open definition and describes it as *any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.*²³ The UN Convention on the Elimination of all Forms of Discrimination Against Women further specifies that violence against women encompasses violence occurring in the family and within the general community.²⁴ This definition mirrors the experience of forced and child marriage, which can include physical coercion, emotional pressure and sexual violence such as rape, at the time of entering into the marriage, during the marriage and when trying to leave the union. [47] In this context, violence is mainly perpetrated by assailants in the family, such as parents, siblings, husbands and in-laws, or by members of the wider community. [47] This widespread scale of the abuse makes it a considerable public concern. Women and girls bear an enormous burden of specific types of violence that are rooted in socially accepted gender inequality and discrimination, despite constituting a violation of their human rights. [48] Because of this, women and girls experience shame and stigma, and the violence often remains hidden. The negative health outcomes of violence against women and girls has been recognized by the World Health Assembly in Resolution WHA67.15, following which a Global Action Plan was developed to strengthen the role of the health system to address this – often concealed – violence. [48, 49]

The UN General Assembly (UNGA) Resolution of December 2016 distinctly recognizes *gender equality* as a root cause for forced and child marriage given that it disempowers women for life by depriving them of their autonomy and decision-making in all aspects. Moreover, it denies them their right to health, education and subjects them to a life with violence. Social expectations of girls and women, including deep-rooted gender inequalities and stereotypes, customs, discriminatory norms and harmful practices often lead to child and forced marriages, disproportionately affecting women and girls. [42]

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) is the core European document in this regard. [19, 50] It considers forced marriage a serious form of violence to which particularly women and girls are exposed. In its Article 37, the Istanbul Convention also calls on state parties to criminalise “the intentional conduct of forcing an adult or a child to enter into a marriage.” [50]

Furthermore, the Special Rapporteur on torture of the UN Human Rights Council [51] specifies that child marriage, as a form of gender-based violence, constitutes torture or ill-treatment, particularly where states fail to establish a minimum age for marriage that complies with international standards or allow child marriage despite the existence of laws setting the age of majority at 18.²⁵ The Special Rapporteur also indicates gross negligence and ill-treatment where governments fail to criminalize forced marriage and to investigate, prosecute and punish perpetrators. [51]

Although boys and men also can be forced into marriage, their numbers are significantly lower. That does not lessen their plight or their need for support, yet, as research shows, the negative

²³ Article 1 United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

²⁴ Article 2 (a), (b) CEDAW.

²⁵ Historically, the torture and ill-treatment framework evolved largely in response to practices and situations that disproportionately affected men. The analysis has thus largely failed to have a gendered and intersectional lens, or to account adequately for the impact of entrenched discrimination, patriarchal, heteronormative and discriminatory power structures and socialized gender stereotypes. The Special Rapporteur recalls the need to apply the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in a gender-inclusive manner. Full integration of a gender perspective into any analysis of torture and ill-treatment is critical to ensuring that violations rooted in discriminatory social norms around gender and sexuality are fully recognized, addressed and remedied. [51]

repercussions are not as severe. Men are less likely to be victims of physical violence and they are not deprived of being fully included in society. [15, 35] Research indicates that men sometimes feel it is easier to proceed with an unwanted marriage to avoid family conflict because they will be in a position to reject the woman or be able to lead a double life with an extramarital partner of their own choosing. [52] It is possible that men in such situations may become husbands who abuse, neglect or harm their wives. This also leads to an increased risk for the women marrying men who enter into an unwanted marriage. [53] Given that same-sex relations are not tolerated within patriarchal societies or communities, more gay men are seeking help for a forced marriage. [52] Organisations providing victim support services indicate lesbian, gay, bisexual and transgender (LGBT) persons are increasingly at risk. [52, 54, 55] Furthermore, gender differences influence help-seeking mechanisms, with men less likely to seek help because admitting that they were coerced may seem 'unmanly'. [53] Values concerned with masculinity could act as a barrier to seek help, along with the misconception that only women are victims of forced marriage. [53]

Despite these situations where men might also be impacted by forced marriage, the sheer volume of women and girls involved is disproportionate. The impacts for women and girls are also more serious and go beyond the coercion in contracting the marriage, exposing them to a lifetime of violence. In addition, the prevalence of forced and child marriage among women and girls was also identified within the context of trafficking in human beings.²⁶ [15, 29, 35]

1.2. Prevalence

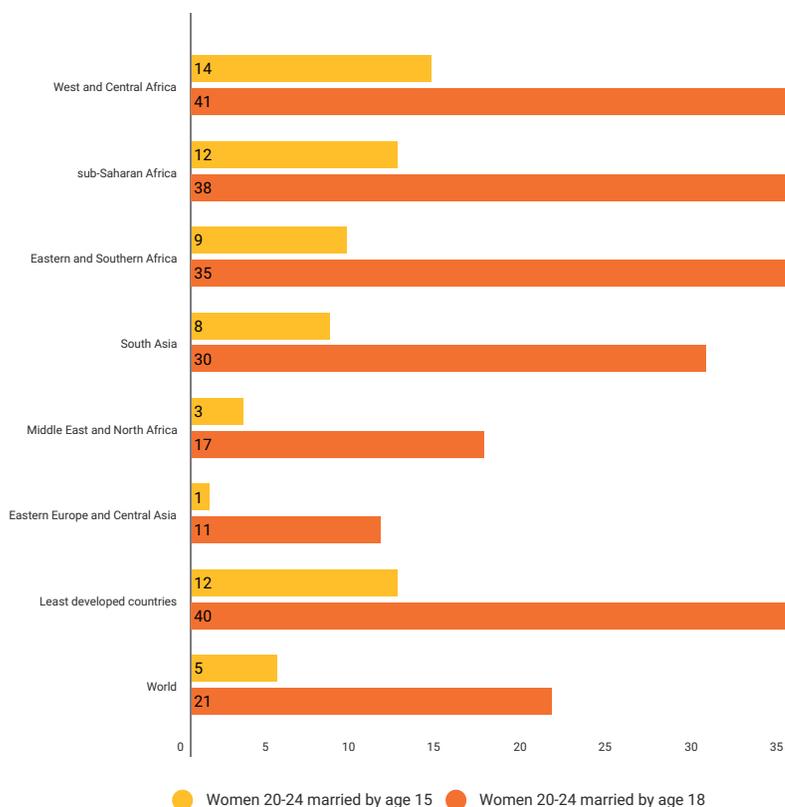
a) Global

The overall prevalence of forced marriage is difficult to estimate, as victims rarely come forward. The practice is mostly hidden and incidents of forced marriage go underreported. [56] Figures for child marriage are easier to come by, seeing that the spouses' ages at the date of marriage allow for the numbers of child marriages to be quantified. This offers an objective benchmark to assess the evolution of girls' and young women's rights.

Globally, the rates of child marriage have slowly been declining over time according to data from Demographic and Health Surveys (DHS) from about 60 countries. [57-60] Yet, due to population growth the actual figures of young brides are continually increasing in many countries. An estimated 41,000 girls are affected each day. [61] In the developing world, one in every five girls is married before reaching the age of 18 years, and one in nine girls is married before her 15th birthday. Some child brides are only eight or nine at the time of marriage. [62] Child marriage among girls is most common in sub-Saharan Africa followed by South Asia and the Middle-East and North Africa. The 20 countries with the highest rates are predominantly found in sub-Saharan Africa, with Bangladesh and Nepal representing Asia. [60, 63] Most empirical studies on the issue of child marriage have focused on South Asian and sub-Saharan countries that have a very high percentage of females who first marry before age 18. [64, 65] Relatively little research on the issue of child and forced marriage has been conducted in European countries where the overall prevalence of child marriage is relatively low, but proportionately high among marginalized ethnic subgroups. [66, 67] In the next subsection the situation in Europe will be examined in more depth.

²⁶ The EU report on forced marriage [15] refers to the UK National Crime Agency, which reports that 28,11% of human trafficking cases in the UK relate to forced marriages. The cases usually involve Eastern European females trafficked to the UK for the purpose of marrying Asian males, who are not legally entitled to stay in the UK. Victims are often brought to the UK with the promise of legitimate employment.

Percentage of women aged 20 to 24 years who were first married or in union before age 15 and before age 18, by region



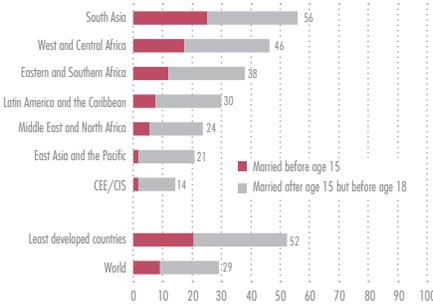
Notes: Estimates are based on a subset of 107 countries covering 78 per cent of the population of women aged 20 to 24 . Regional estimates represent data covering at least 50 per cent of the regional population. Data coverage was insufficient to calculate regional estimates for East Asia and Pacific, North America and Western Europe.

Source: UNICEF global databases, 2018, based on DHS, MICS and other national surveys, 2010-2017

Figure 1.1: Percentage of women aged 20 to 24 years who were first married or in union before age 15 and before age 18, by region [60]

The highest rates of child marriage are found in South Asia and Sub-Saharan Africa

Percentage of women aged 20 to 49 years who were married or in union before ages 15 and 18, by region



Note: Estimates are based on a subset of countries covering around 50 per cent of the global population of women aged 20 to 49 years. Regional estimates represent data covering at least 50 per cent of the regional population. Data coverage is below 50 per cent for East Asia and the Pacific region due to the lack of comparable data on child marriage for China in UNICEF global databases.

The 10 countries with the highest rates of child marriage

Percentage of women aged 20 to 49 years who were married or in union before ages 15 and 18, in the 10 countries with the highest prevalence of child marriage

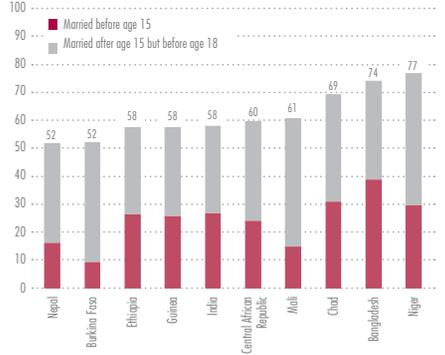


Figure 1.2: Regions and countries with the highest rates of child marriage [59]

Although child and forced marriage is applicable to both sexes, existing data clearly indicates that more women and girls are confronted with the issue than men or boys. [59, 66] The prevalence of child marriage among boys is about one fifth the level among girls globally. [60] Available data confirm that in every region boys are less likely than girls to marry before age 18. [60] For example, in Niger 77 per cent of women aged 20 to 49 were married before age 18 in contrast to 5 per cent of men in the same age group. Even in countries where child marriage is less prevalent, identical gender disparities/contrasts are found. [59]

Child marriage affects girls in far greater numbers than boys

Number of women and men aged 18 years and older who were married or in union before ages 15 and 18



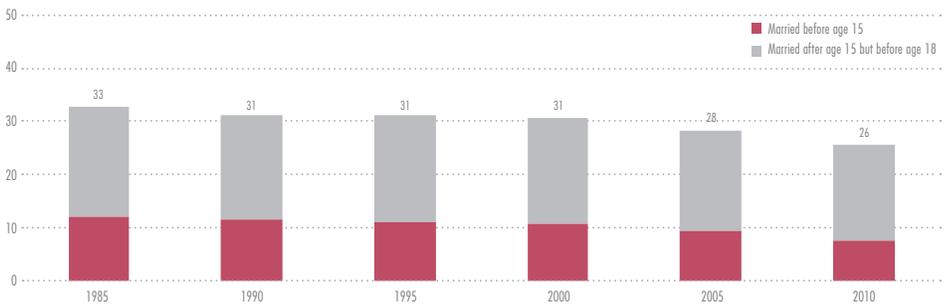
Note: Estimates are based on a subset of countries covering around 50 per cent of the global population of women and men aged 18 years and older.

Figure 1.3: Number of women and men aged 18 years and older who were married or in union before ages 15 and 18 [59]

The prevalence of child marriage is decreasing globally. Advancement is most evident when it comes to marriage of girls under the age of 15 years. (see Figure 1.4) On a global scale²⁷, 1 in 4 young women alive today were married before reaching the age of 15 years, versus 1 in 3 in the early 1980s. [59] Over the same period, the segment of young women who were married by age 15 declined from 12% to 8%. In the past decade, South Asia has seen the most progress, with a girl's risk of marrying in childhood dropping by more than a third, from nearly 50% to 30%. Nevertheless, the total number of girls married before reaching 18 years remains a staggering 12 million per year. Progress must be significantly accelerated in order to reach the target set out in the Sustainable Development Goals (SDGs): abolishing child marriage by 2030. If the practice continues at the current rate, by 2030 more than 150 million additional girls will be married off in childhood. [60] Despite the observed progress, the rate of decline is barely enough to keep up with population growth. (see Figure 1.5)

Globally, the practice of child marriage is declining, especially when it comes to the marriage of girls under age 15

Percentage of women aged 20 to 24 years who were married or in union before ages 15 and 18



Note: Estimates are based on a subset of countries covering at least 50 per cent of the global population of women aged 20 to 24 years.

Figure 1.4: Evolution of percentage of women aged 20 to 24 years who were married or in union before ages 15 and 18 from 1985 to 2010 [59]

Unless progress is accelerated, the global number of child brides will remain at least as high as it is today

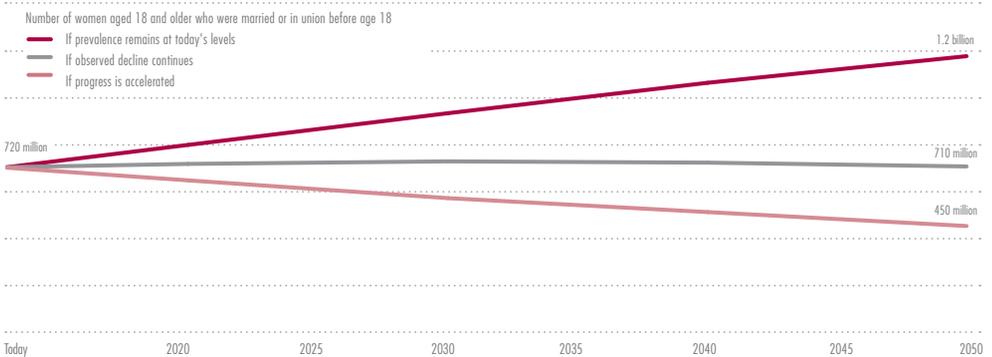
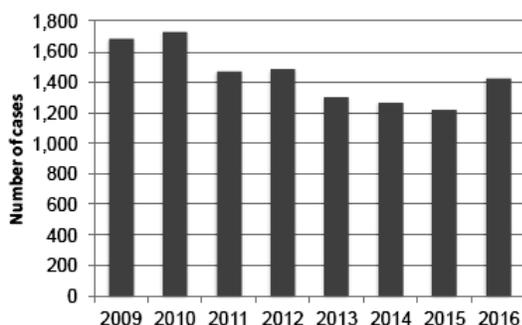


Figure 1.5: Projection of the rates of child marriage up to 2050 [59]

²⁷ These averages are reached by taking all the countries and regions of the world into consideration, not just the developing countries.

b) Europe

The lack of comprehensive figures on forced and child marriage in European countries is problematic. More so, the available data across Europe is not comparable nor representative, as it is often collected from ad hoc sources of information, such as NGO's or counselling centres. [15] Nevertheless, the United Kingdom, with its Forced Marriage Unit (FMU) embedded in government (as part of both the 'Home Office' and the 'Foreign and Commonwealth Office'), stands out. Since its inception in 2005, the Unit registers the amount of requests for advice or support, including demographics such as age, gender, region, etc. Detailed figures are published yearly, indicating the scope and geographical implications of the issue. Taking the data since 2009 into account, the FMU deals with 1400 cases on average every year. (See Figure 1.6)



Source: Forced Marriage Unit; Foreign and Commonwealth Office

Figure 1.6: Number of forced and child marriage cases Forced Marriage Unit (UK) from 2009-2016 [68]

Child marriage is quite prevalent. Over the years, approximately 30% of the cases of the Forced Marriage Unit involve an underage victim (under the age of 18 years). Within this group, around 13% are children under the age of 16. [68] The majority of the calls about cases of forced marriage, around 80%, come from professionals and other third parties such as NGO's, colleagues, friends or family. The fact that self-reports (calls made by actual or potential victims) represent a smaller portion may reflect the hidden nature of forced marriage. [69] Victims often fear reprisal from their family if they come forward. Seeing that the FMU only deals with cases that it has been made aware of, the full scale of forced marriage in the UK is not exactly known either.

Estimates for the whole of the UK, taking into consideration cases that were reported both to local organisations and at national level, amounted to 8,000 in a study carried out in 2008. [66] A German study in that same period made reference to 3,443 cases of forced marriage, of which 94% were women and young girls. [15, 70] In the Netherlands, professionals and organisations were asked to make an assessment of the prevalence of forced marriage in the country based on their experiences. The collected data resulted in an *educated guess* of between 674 and 1914 cases over a 2-year period (2011 and 2012). [71]

A recent EU report collected official figures from Member States. [15] Figure 1.7 provides an overview of the data that was collected. However, the authors warn about underreporting, methodological shortcomings and the fact that the figures are not nationally representative. Data is not collected in a systematic way, rendering the valid possibility that cases are reported simultaneously to different authorities, public services or NGO's. Kazimirski et al. indicated the same difficulty in quantifying such a hidden and underreported practice. [66]

Table 1 Number of forced marriages in the period 2011-2015

Member States	2011	2012	2013	2014	2015
AT	29	31	n.a.	+/- 200 ¹⁴⁷	n.a.
BE	12	14	11	13	n.a.
CY	2	2	5	5	2 ¹⁴⁸
DE	n.a.	56	62	58	n.a.
DK	19	8	20	21	n.a.
HR	1	n.a.	1	1	n.a.
SE	n.a.	n.a.	n.a.	n.a.	23
SI	n.a.	n.a.	20	1	1
SK	2	3	7	9	n.a.
UK	n.a.	1485	1302	1267	n.a.

Figure 1.7: Data on forced marriage from several EU Member States from 2011-2015 [15]

1.3. Overview of reasons behind forced and child marriage

Multiple elements contribute to the perpetuation of forced and child marriage. Factors are complex, diverse and context-specific. Often they are the outcomes of the interplay between the macro-social forces and the local culture and traditions. Multi-country research in the Middle-East and North-African (MENA) region points to restricted social and spatial mobility outside of the household as a significant driver of forced and child marriage, contributing to limited access to education, economic opportunities, and health facilities. [72] Vulnerability to gender-based violence is also linked to the practice. [72] A women's 'honour' is considered paramount to such a degree that vast amounts of shame are associated with a woman or girl losing her virginity outside of marriage. Sexual violence significantly jeopardizes women's and girls' honour, which is why girls are often forced into marriage at an early age in order to safeguard their honour, and the family's honour. [73, 74]

On a global scale, findings from studies on multiple continents emphasize the substantial impact of social and cultural norms that relate to gender roles and gender inequality. [57, 59, 75-82] Constraints from elements such as poverty and a lack of education and employment opportunities are augmented in a cultural context with strict gender roles for men and women. [83] Few options but marriage are then available for girls and young women, which perpetuates the cycle of disempowerment and gender discrimination. Forced and child marriage serves multiple social and cultural functions such as maintaining kinship, securing economic advantages and financial stability, and marking the transition into adulthood. [72] Contrary to popular belief, it is important to note that no single religion is specifically associated with forced and child marriage. [79, 84] High prevalence countries have been found to be Muslim-majority, Christian-majority and Hindu-majority. [79]

Recent studies are also indicating that child marriage may be related to 'love marriages' and elopement. [85, 86] In settings where sexual relations are strictly limited to formal unions and punished outside of marriage, parents will often coerce their daughters to marry in order to prevent so-called 'shameful' behaviour. In European context, reference is often made to 'honour killings' targeting these 'love matches' that are deemed unsuitable by the girl's family. As to sexuality, cases are being noted where the rights of gay men, lesbians, bisexuals and transgendered (LGBT) people are violated by forcing them into a marriage to 'straighten them out'. [52, 54, 55, 87]

1.4. Consequences of Forced and Child Marriage

1.4.1. Health

According to the World Health Organization (WHO), health is not merely the absence of disease or infirmity, but is a state of complete physical, mental and social well-being. In its constitutional principles, the WHO states that the highest attainable standard of health is one of the fundamental rights of every human being regardless of race, religion, political belief, economic or social condition. [88]

Given its impact on physical and psychological wellbeing, violence against women is considered a major **public health problem**, with long-term detrimental effects on individuals, family and communities as a whole. [89] Child marriage and forced marriage, as a serious form of violence against women, bring about a wide range of health consequences. In 2014, the 67th World Health Assembly adopted resolution WHA67.15 on "Strengthening the role of the health system in addressing violence, in particular against women and girls, and against children". [48] Through the resolution, the WHA notes that violence persists in every country of the world as a major challenge to public health. All forms of interpersonal violence lead to negative health outcomes and should be addressed by the health system. However, there are compelling reasons for a specific focus on violence against women and girls. At the level of the health system, injury management, trauma care and mental health services are relevant for all forms of violence, but the sexual and

reproductive health consequences of violence against women and girls require particular interventions. The hidden nature of this violence calls for specific training of providers in how to identify these problems. [48]

a) Physical

Forced sexual intercourse can lead to reproductive health problems. Associations have been found between coerced first sexual intercourse and genital tract disorders. [90] Intimate partner violence is strongly correlated to cases of child marriage, resulting in adverse effects on health and wellbeing at large. [91-93] Studies also report significant associations between sexual abuse and sexually transmitted infections, bacterial vaginosis, complaints of abnormal vaginal discharge, and psychological and mental disorders. [94] Because their bodies are unprepared for childbirth, girls aged 10 to 15 years experience higher rates of maternal mortality and higher risk of obstructed labour, postpartum haemorrhage, obstetric fistula and sepsis. [95, 96] In developing countries, 9 out of 10 births to adolescent girls occur within a marriage or a union. In these countries, complications from pregnancy and childbirth are the leading cause of death among adolescent girls aged 15 to 19. [97] Child marriage also has significant impacts on the health and nutrition of the children of young mothers due to early childbirth. [98-99] A child born of a mother younger than 18, increases the risk of under-five mortality by 3.5%.²⁸ [100-101]

Young women and girls forced into marriage are additionally exposed to a greater risk of HIV infection. [95] Research suggests that in some settings 15 to 19 year old married girls have higher rates of HIV infection than their sexually active unmarried peers. [102-104] However counterintuitive this seems, Clark et al. suggests that married girls in any setting may be more vulnerable to HIV infection because marriage increases frequency of sexual intercourse, decreases condom use, and virtually eliminates girls' ability to abstain from sex. [104] At the International AIDS Conference in July 2016 the link between child marriage and HIV was given renewed attention. On a weekly basis 7,500 young women between 15 and 24 years became newly infected with HIV in 2015. Key factors linking child marriage to HIV were highlighted in a new literature review: physical immaturity, sex with older and more experienced partners who run a higher risk of having been exposed to HIV, lower likelihood of using contraception, the girls' inability to negotiate safer sex, the frequency of unprotected sexual activity, limited educational opportunities and restricted access to health services. [105] Because girls drop out of school more often than boys due to marriage, they are less likely than boys to have comprehensive knowledge of HIV and how to protect themselves. [106] Child brides are often isolated and unaware of sexual, reproductive and maternal health services. (see Figure 1.8) This further inhibits them to reach HIV prevention and treatment facilities. [107]

²⁸ Calculated across 15 countries. [83]

Child brides are less likely to receive medical care during pregnancy than women who married as adults

Percentage of women aged 20 to 24 years attended at least four times during pregnancy by any provider, by age at first marriage or union, in selected countries

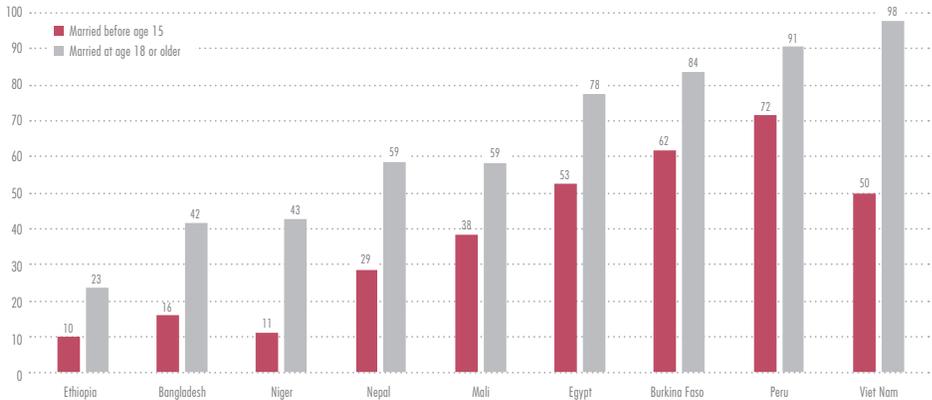


Figure 1.8: Percentage of women aged 20 to 24 years attended at least four times during pregnancy by any provider, by age at first marriage or union, in selected countries [59]

b) Mental and Psychological

Research into victims of child and forced marriage reveals the highly significant psychological impact that forced marriage can have on women. [108-110] Self-harm and suicide are also being linked to forced marriage due to factors such as a lack of self determination, excessive control, the weight of expectations or the role of women, and anxiety about their marriages. [111]

Child brides, in particular, are deprived of a proper adolescence as they are burdened with responsibilities for which they are unprepared on a physical, psychological and emotional level. [109, 112] Due to the total disconnect from their families, many brides are left vulnerable and isolated, potentially leading to post-traumatic stress and depression. Research has found that the separation from their family and familiar social environment can have a devastating psychological effect. [113] Another study of child marriage found that young brides are more likely to suffer from a 41% increased risk of psychiatric disorders, including anxiety and bipolar disorders. [114] Among adolescents in Ethiopia, an association was found between child marriage and suicidal thought and suicide attempts. [115] Overall, research findings call for stronger community engagement in child and forced marriage prevention and mental health support for victims. The effects of trauma are cumulative and intergenerational. [116] Maternal mental health problems directly impact on the mental and behavioural functioning of their children. [117] Furthermore, mothers with a history of exposure to violence, who reported clinical internalized problems (i.e., depression, anxiety) were 7 times more likely to have children with the same problems. And mothers with clinical external problems (i.e., aggression, hostility) were 4.5 times more likely to have children with the same external problems. [118] The all-encompassing impact on early childhood development and wellbeing of children whose mothers have experienced forced and child marriage needs to be taken seriously. [119-120]

Taking the cumulative impact on mortality and morbidity into account, the overall health burden of violence against women is often greater than for other public health priorities that are placed higher on the policy agenda. [121] This is especially so in Europe, seeing that child and forced marriage is most often considered a minority-issue and treated as such by health professionals. In a Swedish

study, issues relating to protecting the honour of the family among young immigrant women have been identified as a *new problem for health care*. [122] Health professionals and counsellors have no guidelines or rules to follow, and little experience with the subject matter to fall back on. Yet victims are under *constant mental stress*, with detrimental effects to their wellbeing, which potentially can result in depression. [122]

c) Relevance for the health sector

Despite the crucial value of provision of timely and appropriate services to survivors of violence, little evidence exists that such programmes alone can lead to significant reductions in violence against women and girls. [123] Prevention is a key component to tackle violence against women and girls. Understanding and knowledge of the factors leading to specific forms of violence is paramount. This is an underlying rationale for focusing on the determinants (as opposed to the effects) of forced and child marriage in this doctoral thesis. By studying the drivers of forced and child marriage, this research also attempts to enhance prevention of this serious public health issue and to better inform programming to tackle the practice and the ensuing violence against women and children in general.

Because of their key positioning for detection and ability to provide vital care, health care providers have an essential role in a coordinated prevention strategy. Furthermore, health sector engagement has the potential to send a powerful message; that violence is not only a social issue, but a dangerous, unhealthy and harmful problem. [124] Health care providers are often the first contact point for (potential) victims. They play a role in preventing further harm and can also help preempt other siblings or relatives of the girl or woman from being subjected to child and forced marriage.

Furthermore, “well-being” is a component of the WHO definition of health, even though most health assessments are based on mortality, morbidity, or disability outcomes. In recognising this element’s vital role, the Health 2020 framework has included the ‘enhancement of well-being’ as one of its six targets. Apart from several objective indicators (social connections, economic security & income, education and natural & built environment), it comprises a subjective well-being indicator (life satisfaction) as well. [125]

Economic indicators have commonly been regarded as proxies of societal progress of nations, but indicators of well-being have increasingly been applied in order to complement or replace these measures. [126] Health 2020 is constructed around equity, gender and human rights on the one hand, and improved governance for health on the other. It is aimed at those committed to improving health, well-being and health equity, in a way that is sensitive to each country’s situation and political and organizational circumstances. It is a “living” guide to policies and strategies. [127] This indicates that more importance is given to the role of the health sector and especially the health care providers to enhance well-being.

The health sector, however, is *the one sector* that lags behind in its vital role in addressing violence against women and girls according to Samarasekera & Horton. [128] Health care providers have a crucial part to play in both identifying/preventing violence and in treating the consequences of violence. Helping women disclose that they are victims of violence and to understand that what they are experiencing is abuse, is equally crucial. [128]

d) Role of health professionals

The role for health care providers in primary prevention is less widely discussed than treatment. Yet, a coordinated agenda to address violence against women and girls requires a clear understanding of the forms of violence present in an area, the specific social norms and beliefs that sustain the abuse, and the macro and micro factors that underpin gender inequality and support violence. [129]

Collaboration and coordination across sectors is crucial in the case of child and forced marriage. In a multi-sectoral approach, the health sector has a substantial part to play and is well positioned to contribute to prevention efforts. [124] Such a multi-sectoral approach is necessary because women who are at risk or experience child and forced marriage also have safety, social support, economic security, housing, and legal protection needs. Irrespective of the point of entry, coordination within the health care system, and between the health system and other sectors is fundamental to the provision of a holistic and continuous service. [130] Each service provider should have specific detailed intervention protocols and standard operating procedures (SOPs) that outline the roles and responsibilities in prevention of and response to child and forced marriage.²⁹ Standard Operating Procedures (SOPs) are important in the development and implementation of a response programme because they set the guiding principles, ethical standards, and coordinated multi-sectoral service provision. [131]

Within the health sector, fixed beliefs need to be addressed. Health care providers have often held the view that violence in the home or family is a private matter or a matter for the criminal justice system, not health providers. Nowadays it is generally accepted that violence is a clinical and public health issue, and it is emphasized that health services have a duty and responsibility to go further than solely treating medical consequences.

Linking of health care providers with specialist support or advocacy services increases the likelihood of the providers identifying any risk of violence, ongoing violence or past violence. [132] The latter is important considering the intergenerational effects of violence. Trauma-informed cognitive behavioural therapy has proved effective for women who have post-traumatic stress disorder. [133] This will help in preventing or curtailing the detrimental effects of maternal trauma on any offspring. Evidently, health professionals have the duty and responsibility to refer any children of these women to adequate health services or therapy.³⁰

The effects of trauma are cumulative, and violence experienced during childhood or adolescence can increase the risks of experiencing violence or perpetrating violence (or both) in later life. [116] It is important that health professionals recognize the signs of (past) trauma to prevent it from reoccurring. Also, girls and women who are facing the risk of a forced and child marriage, may already have experienced complex trauma due to the emotional pressure and/or physical abuse that they face within their families and communities.

A 'trauma-informed' approach may be a way for service providers to come closer to meeting (potential) victims' needs, as well as enabling providers' experiences in dealing with the issues. It emphasises physical, psychological and emotional safety for both providers and patients, and that creates opportunities for (potential) victims to rebuild a sense of control and empowerment. [134]

On the whole, health care providers generally provide women and girls with a safe environment where they can confidentially disclose any actual or risk of violence, and expect to receive a supportive response. It is imperative that health professionals are aware of the reluctance of (potential) victims of child and forced marriage and associated violence to talk about it due to stigma, fear of retribution by family or community members, and unwillingness to refer family members to the criminal justice system. The use of protocols and (multi-sectoral) referral networks is a useful tool to aid health care providers in recognising (potential) victims, asking helpful

²⁹ These protocols can be considered as "flow charts" clearly denoting the role of each practitioner (or agency), the actions (questions, assessments, etc.) that must be taken and the time-frames that need to be considered in order to safeguard the health and safety of the individual. This is the basis for a multi-sectoral, coordinated and victim-centered approach.

³⁰ "There is evidence of a direct relationship between maternal functioning and child behavioural functioning. Therefore, interventions that decrease maternal mental health problems can be expected to have a secondary effect on the mental and behavioural functioning of their children. As mothers learn to improve coping strategies, so do their children. Interestingly, this is a bi-directional relationship, with recent evidence suggesting that cognitive behaviour therapy for child PTSD is directly related to improvements in maternal depressive symptoms." [117]

questions (given the sensitive nature) to make them feel heard and safe, and taking the necessary (and most constructive) steps to help the girl or woman. Health professionals also have a role in promoting primary prevention and being agents of change, not only in the clinical settings but also in the wider community (e.g. by promoting the health benefits of delayed marriage for girls). [128]

Integrating continuing supervision, mentorship and training on violence against women into medical nursing, public health, and other relevant curricula at undergraduate and in-service levels is required to challenge stigmatising attitudes and ensure that health providers know when and how to ask about violence and how to respond appropriately. This integration needs to be addressed in a wide range of health programmes, including those related to sexual and reproductive, adolescent, maternal, neonatal and child health, mental health, HIV prevention, and programmes for the prevention of substance abuse. [129]

Overall, the identification of a person at risk of forced/child marriage is crucial and is where health care providers can play a significant role if they have the proper training, tools, network and support system.³¹

1.4.2. Socio-economic

Child and forced marriage seriously impact **educational attainment**. Marriage is one of the main reasons for adolescents to drop out of school. It reduces the likelihood of enrolling in and completing secondary school substantially. Not only does child and forced marriage negatively impact school enrolment rates and academic achievement of the victims, it also has an adverse effect on the educational prospects of their children. [135-137] The amount of schooling of the mother has an intergenerational effect on both girls and boys of the (young) brides. [83] Estimates suggest that increasing girl's education is probably the best way to avoid child marriage. [138, 139] Each additional year of secondary education may reduce the likelihood of child marriage and early childbirth by 6% on average across 15 countries. [83] Education in itself is a determinant for health, even crucial for public health, given that it provides the knowledge and confidence required to make informed decisions related to maternal and child health, nutritional status, and survival. [140] Consequently, the intergenerational impacts of education are also directly associated to health outcomes.

By limiting women's education, child marriage reduces **expected earnings and household welfare**. Results from wage regressions and simulations of earnings indicate that women who married as children have lower expected earnings in adulthood than women who married after the age of 18. According to the ICRW study on economic impacts of child marriage, the average loss in earnings is 9%. [83]

Due to the lack of education and skills for generating income, 54% of girls in the poorest 20% of households are child brides compared to 16% of girls in the wealthiest 20% of households. [57] Boys receive priority as regards investments in education in resource-poor families.

A growing body of research is pointing to the **huge economic costs of violence against women to society**, including the direct costs to health care, law enforcement, etc. [82, 83, 121, 141, 142]

The broader social costs are significant but not easy to quantify. Child marriage in particular generates macro-level consequences. It affects the total fertility, contributing to higher population growth due to the fact that women have children earlier and effectively have more children in their lifespan. This could directly hamper the ability of countries to provide essential basic services, such as health, education, infrastructure, etc. The additional pressure on state budgets is far from negligible. Population growth could lead to scarcer resources and threaten long-term prosperity.

³¹ Given time constraints (imminent marriage) and the fact that potential victims of forced/child marriage might be taken out of the country, quick action is necessary. The sooner a woman/girl at risk is identified, the more chance there is to avert or curtail the violence inflicted upon her.

Even a reduction of the population growth by a few percentages, would have vast implications with regards to standard of living and provision of public services. [83] On a global scale³², the welfare benefits that would be gained through lower population growth from ending child marriage are valued at \$22 billion in 2015 and \$566 billion in 2030. [83] The sharp increase in the gains is due to the cumulative impact of child marriage and early childbirths on population growth. Every year the benefits rise because the reduction in population growth from year to year accumulates. As the standards of living improve as well, the combined effect is a 25-fold increase in the welfare benefits of ending child marriage by 2030. [83]

1.5. Forced and child marriage in humanitarian settings and in the context of migration

a) Humanitarian crisis

Whether due to armed political conflict, a natural disaster or war, the risk for forced and child marriage is increased in humanitarian settings. Any crisis most often results in the displacement of large groups of the population. It is within this context that the numbers of child marriage and forced marriage appear to swell significantly. Child marriage and early pregnancy are particularly high in insecure environments. [143-146] In fact, nine of the top 10 countries with the highest rates of child marriage are considered fragile states. [147]

Women and girls in fragile states lag far behind those in more stable regions across a large number of human development indicators ranging from nutrition and access to health services to educational attainment and economic opportunities. Results of a study conducted by the London School of Economics demonstrated that in 141 countries analyzed, gender differences in loss of lives due to natural disasters were directly correlated with the economic and social rights of women in the countries before the disaster. [148] Long-term effects of civil war, for example in the Democratic Republic of Congo, affect women and children disproportionately. [147] Conflict, war and natural disasters weaken social institutions, limit economic opportunities, and increase sexual violence targeting women and girls. Young unmarried girls in particular face greater risks. [147] Child and forced marriages increase during emergencies because of increased poverty and fewer educational or livelihoods opportunities. [146, 149] As families struggle to survive, marrying off girls and young women alleviates the burden on the household expenditure. Another reason is the real or perceived threat to the honour of girls and women. [146, 149] Families often flee conflict to protect their girls and women from sexual violence and forced marriage to armed combatants. [149] Yet, once they are displaced, girls are forced into marriage in order to 'protect' their reputation and honour. [146, 149] It is also believed that marriage safeguards girls and their families from the social stigma associated with surviving rape. [146] Nevertheless, by forcing these vulnerable girls and young women into marriage, they are more likely to be subjected to gender-based violence and partner violence within the marriage, especially when there is a significant age discrepancy between the young bride and her groom. [149]

For example, the impact of the Syrian conflict on child marriage is considerable. Among the displaced Syrian population in Jordan, the percentage of registered Syrian marriages involving a girl (15-17 years old) rose from 12% in 2011 to 31% in the first quarter of 2014. [150] Additionally, the spousal age gap is also alarming. In 2012, 16,2% of the girls married men who were at least 15 years older, 31,8% of the spouses were 10-14 years older, and 37,2% married partners who were 5-9 years older. [150] Girls from urban communities that no longer practice child marriage in Syria experienced a resurgence in child marriage customs since displacement in order to provide a more secure future.³³ [146] Other countries in the region, such as Lebanon, Egypt and Turkey, who harbour Syrian refugees report similar increases of child and forced marriage. [149] Regrettably, sexual violence has gone largely undocumented given social stigma and barriers to appropriate psychosocial and medical resources. [147]

³² For 106 countries. [83]

³³ Although child marriage existed in Syria prior to the conflict, it mostly took place in rural areas. [149]

b) Context of Migration

Due to globalisation, increased mobility and large numbers of migrants in host societies, the issue of forced and child marriage has become a concern on an international scale. In Europe, the issue is discussed within the contexts of immigration and integration on the one hand, and domestic violence on the other. [151, 152] The practice is generally associated with migratory flows and the difficulties that immigrant families experience in becoming integrated in industrialised countries. [11] Cases are noted in which young women and girls from ethnic minorities had been sent back to their countries of origin under a deceptive pretext and with the intent of forcing them into marriage. [16, 153] Migration also includes marriage migration of second and subsequent generations bringing partners from their homeland into the host country. Female marriage migrants face a higher risk of being subjected to specific forms of gender violence, such as psychological or physical domestic violence, forced marriage, etc. [154]

In the diaspora context, the practice is generally kept alive for family relations and honour, financial gain³⁴ and protecting - or controlling - women's sexuality. [66, 156] Aspects related to migration also play an important part, such as maintaining the cultural identity and traditions, repaying debts or returning financial assistance to extended family in countries of origin. [11, 151] Immigration and asylum issues, such as procuring a visa or legal residence, are often a factor behind forced marriage arrangements. [157] Disability is a factor³⁵, as is sexuality. Cases are registered in which the rights of gay men, lesbians, bisexuals and transgendered people are violated by forcing them into a marriage to 'straighten them out'. [52, 54, 55, 87]

Each European country displays different migration patterns. Therefore the origin of victims and perpetrators of forced and child marriage tends to be country specific. [19] In Germany, for example, most of the victims have a Turkish background, followed by the Western Balkans (Serbia, Kosovo and Montenegro).³⁶ The majority of the cases of forced and child marriage in the United Kingdom involve South Asian communities from Pakistan, Bangladesh and India. (See Figure 1.9) The number of incidents related to Somalia has increased substantially – doubled in fact – from 2016 to 2017. [69, 158] Since its inception in 2005, the Forced Marriage Unit (FMU) in the United Kingdom has dealt with cases relating to over 90 countries across Asia, the Middle East, Africa, Europe and North America. [158] This indicates that forced and child marriage is not a problem specific to one country or culture. For most European countries the data is lacking to accurately determine the population groups in which forced and child marriage occurs. In Belgium and the Netherlands, the practice has generally been associated with the considerable presence of Turkish and Moroccan population groups. [17, 35, 159, 160] Yet in recent years, migration of the Roma community from Central and Eastern Europe is increasingly importing the problem to Belgium. [35] Based on figures from the UK, the majority of cases include a transnational element, in the sense that it involves a partner or spouse from the countries of origin. On average only 15% of reported cases are domestic (fully take place within ethnic minority communities) and have no overseas element, indicating the vast role that migration plays in forced and child marriage. [161]

Specific legislation on forced and child marriage has found its way onto the political agenda and is increasingly being implemented in European countries. Even though, as a form of violence against women and sexual abuse it is an important health concern [95, 102, 157], most of the adopted measures in European context are of a legal nature. [151, 160, 162] Policy makers opted for the route of criminalization and tighter immigration controls to tackle forced and child marriage. [151, 160, 162] This is effectively the case in Belgium. With the path of 'economic migration' being

³⁴ Also linked to "bride price". [155]

³⁵ Figures from the Forced Marriage Unit (FMU) in the UK reveal that 10-12% of cases on average involve a person with a learning disability. [69, 158]

³⁶ In Germany, most of the victims had an immigrant background, and 32 % were born in Germany followed by Turkey (23 %), and the Western Balkans (Serbia, Kosovo and Montenegro together amounting to 8 %). [19]

closed, family reunification. one of the main avenues to legally enter Europe, has reached unseen levels. [163-165] The largest body of legal and policy initiatives therefore can be found in the area of immigration law. Changes in immigration policy to address security issues, by making entry requirements stricter for family reunification, impact ethnic minority population groups most profoundly. This will be discussed more in depth in the Results (5) and Discussion (6) chapters.

Focus country	Numbers	Percentages
Pakistan	612	43
Bangladesh	121	8
India	79	6
Somalia	47	3
Afghanistan	39	3
Saudi Arabia	16	1
Iraq	14	1
Kenya	14	1
Nigeria	14	1
Turkey	14	1
UAE	12	1
Sri Lanka	11	1
Iran	8	1
Egypt	7	>1
Algeria	7	>1
54 other countries	109	9
UK (domestic only)	157	11
Unknown	132	9
Total	1,428	100

1. Source: Forced Marriage Unit; Foreign and Commonwealth Office

Figure 1.9: Number of cases the Forced Marriage Unit (UK) gave advice or support to, by focus country, 2016 [69]

"Some believe that investing in their daughter's education is a waste of money. Even if she does study and get a job, she'll marry and her husband will benefit from her income. So it's more advantageous to marry her off earlier."

Woman, 45 years, participant of a Focus Group Discussion in rural settings around Marrakech

2. OBJECTIVES

2.1. General Objective

Given (1) the global magnitude of forced and child marriage and (2) the increasing numbers of international migrants, the general objective of our research is to ascertain the determinants of forced and child marriage in Morocco and the impact of the migratory context on the issue among Moroccan migrants in Belgium.

Our research analysed forced and child marriage in Morocco and among the Moroccan community in Belgium from two angles. First, we analysed policies and socio-cultural context in a “top-down” perspective through the analysis of legislation, public debates (specific objectives 1 & 2) and through expert/stakeholder interviews (specific objectives 1 & 2). Secondly, we investigated the determinants of child and forced marriage in both research settings from a “bottom-up” perspective through Focus Group Discussions and household interviews, as well as investigating the impact of legislative conditions and restrictions on migrants and their families (specific objective 3).

2.2. Specific Objectives

1. To understand the institutional framework on forced and child marriage in Europe and Belgium, including the risk factors and challenges in addressing the issue in Belgium

Research questions: What are the prevailing policies and laws regarding forced and child marriage and what is the overall impact of the institutional context on the practice among minority communities? Furthermore, what are the characteristics of forced and child marriage and the main obstacles that victims and professionals face in dealing with the subject?

Due to growing migration numbers, forced and child marriage is increasingly perceived as a problem in Europe as the practice is generally associated with migratory flows and the difficulties that immigrant families experience in becoming integrated in industrialised countries. [11, 151] Spurred on by policies at European Union level, Member States have been implementing laws and action plans to tackle the practice. As a result, minority groups have been specifically targeted by a combination of stringent criminal and immigration regulations. It is therefore important to assess the impact of this legal framework on the migrants in Europe for whom the policies were designed. As one of the largest minority groups in Belgium, the Moroccan community is directly affected. Understanding how the legal framework intersects with the characteristics of forced and child marriage in Belgium allows for the identification of risk factors and challenges in tackling the issue.

2. To understand the institutional context, social environment and cultural perceptions regarding forced and child marriage in Morocco

Research question: What is the prevailing legal and policy framework in Morocco to protect (potential) victims of forced and child marriage, and how do the social and cultural perceptions contribute to the occurrence of the issue?

The changes in the social and legal framework surrounding sexual and reproductive rights in Morocco since 2004 seemed very promising to target violence against women in particular. Yet studies indicate that the rates of child marriage and violence against women in general remain high. Understanding how the legal and policy framework at the

institutional level intersects with prevailing social and cultural norms provides insights into risk factors for forced and child marriage occurring in Morocco.

3. To ascertain the determinants of forced and child marriage in Morocco and among the Moroccan communities in Belgium, including the impact of the migratory context

The following research questions take into account the structural, social and personal factors in relation to marriage dynamics and relationship decision-making power:

- a) What are women's experiences and perspectives in relation to factors that contribute to the occurrence of child and forced marriage in Morocco?
- b) In light of international migration, what is the impact of context on the overall dynamics of partner choice and marriage among the Moroccan community in Belgium?

The decision-making power of women with regards to partner choice, schooling, household influence, etc. is taken into consideration. In order to get a better understanding at the community-level in Morocco and among the Moroccan community in Belgium, women of all ages shed light on factors that contribute to forced and child marriage, its occurrence and possibly actions for prevention.

Moreover, we explored to what extent cultural and religious perceptions have been transferred, or altered, in the migratory context. The impact of migration on practices such as forced marriage and on decision-making processes regarding sexual and reproductive rights has not yet been thoroughly evaluated in these specific settings.

4. To provide recommendations to prevent and efficiently target forced and child marriage in Morocco and in Belgium

By providing stakeholders and policy makers with pertinent contextual knowledge and insights into constraints to decision-making power of women, we aim to contribute to the prevention of forced and child marriage, and enhance sexual and reproductive rights of women and girls.

2.3. Presentation of Publications

This thesis is based on a number of papers that have been published or are under review in international peer-reviewed journals, and a report of an in-depth research study on forced and child marriage in Belgium. The manuscripts are presented in full in the Results section.

Papers:

1. **Sabbe, A.**, Temmerman, M., Brems, E., & Leye, E. (2014) Forced marriage: an analysis of legislation and political measures in Europe. *Crime, Law and Social Change*, 62(2): 171-189.
2. **Sabbe, A.**, H. Oulami, W. Zekraoui, H. Hikmat, M. Temmerman, & Leye, E. (2013). Determinants of Child and Forced Marriage in Morocco: Stakeholder Perspectives on Health, Policies and Human Rights. *BMC International Health and Human Rights*, 13(43).

3. **Sabbe, A.**, Oulami, H., Hamzali, S., Oulami, N., Le Hijr, F.Z., Abdallaoui, M., Temmerman, M. & Leye, E. (2015). Women's perspectives on marriage and rights in Morocco: risk factors for forced and early marriage in the Marrakech region. *Culture, Health & Sexuality*, 17(2): 135-149.
4. **Sabbe, A.**, El Boujaddayni, K., Temmerman, M. and E. Leye. (2019) "Marriage and migration: Moroccan women's views on partner choice, arranged and forced marriage in Belgium." *Journal of International Migration and Integration*, 7 January 2019. <https://doi.org/10.1007/s12134-018-00646-9>

Report:

1. Leye, E. & **Sabbe, A.** (2015) *Forced marriage in Belgium: An analysis of the current situation*. Ghent, Belgium: ICRH Global.



3. STUDY SETTINGS

3.1. Morocco

The Kingdom of Morocco has a population of 35.74 million [166] spread over the area of 446.550 square kilometres. [167, 168] The official languages are Arabic and Berber (Amazigh). With the median age being 27,94 years, the population is relatively young. [169]

Morocco has experienced steady economic growth and significant poverty reduction in the last decade. For the most part this was due to a wide range of macroeconomic, social and labour market reforms. Over the period 2001-2011 the growth contributed to almost completely eradication of extreme poverty, whereby its rate dropped from 2 to 0,28 percent. The figures for relative poverty and population vulnerability also saw a significant reduction in the same period, respectively from 15,3 to 6,2 percent and from 22,8 to 13,3 percent. [170] This progress is mirrored in the social and human development indicators, notably in terms of education and health outcomes. Life expectancy increased from 68,5 years in 2000 to 76 years in 2015 and infant mortality rates declined from 42 to 26,8 per 1000 live births in that same timeframe. [167, 169] Between 1995 and 2015 the maternal mortality ratio dropped from 317 to 121 per 100.000 live births. [171] However, underreporting of maternal deaths was uncovered in one region in Morocco, indicating that the actual maternal mortality ratio might be higher. [172]

Women benefitted from greater access to health services, especially with regards to reproductive health indicators. Adolescent fertility rates, at 35 births per 1000 women ages 15-19 in 2012, are much lower than similar lower-middle-income countries' averages of 59 births. [170] The contraceptive prevalence rate of 63 percent is higher than figures in comparable countries. Knowledge of sexual transmission of HIV and mother-to-child transmission increased remarkably among women from poorer households between 2004 and 2011. [170]

Despite the progress in the last decade, Morocco still faces important social and economic challenges. A quarter of the population, roughly 8 million people, live in poverty or run the risk of falling back into poverty. The rural-urban divide indicates that 70% of the poverty is rural. [170] On the United Nations 2015 Human Development Index (HDI), Morocco still ranks 123rd of 188 countries. [173] Progress in development outcomes has been slower than in other countries in the region or in similar lower middle-income countries. In contrast to Algeria (100th) and Tunisia (63rd), Morocco only ranks 119th on the Gender Inequality Index (GII).³⁷ Significant gender gaps remain, especially in terms of access to education and healthcare. The disparity is even more significant when taking household income into account. Enrolment rates in educational institutions are closely associated with wealth. The gender gap among children from the poorest households is much higher, with primary school completion rates for women remaining lower in Morocco than in other lower-middle-income countries. Decades of low enrolment rates and high dropout rates have led to a large segment of uneducated and illiterate women. [170]

A similar situation prevails in terms of access to health services. Large disparities remain between rural and urban areas, and according to household income. Health staff is marked by high rates of absenteeism, extending to 27 percent of staff that's absent most of the time. [170] At 63 percent the rate of births attended by skilled health staff is lower than other comparable country averages (at 74 percent). [170] Data from UNICEF's global database indicates that rates of adequate antenatal care (four visits) amongst pregnant girls aged 15 to 17 years are low at 34%. [72]

³⁷ Gender Inequality Index is a composite measure reflecting inequality in achievement between women and men in three dimensions: reproductive health, empowerment and the labour market. In 2017, the Gender Inequality Index is 0,482 for Morocco, ranking 119th (123rd on the Human Development Index), compared to 0,442 for Algeria (85th on the Human Development Index) and 0,298 for Tunisia (95th on Human Development Index). [173, 174]



Figure 3.1: Map of Morocco

Prevalence of forced and child marriage in Morocco

Figures on the prevalence of forced marriage in general are unavailable. Since the legal reform in 2004, effectively raising the minimum marriage age for girls to 18 years, numbers on child marriages granted by judges are obtainable. Nonetheless, these figures only represent the official underage marriages that are granted by a Family Court. In rural areas there is often the custom of an “Al Fatiha” marriage, a ceremony conducted without a written contract or legal recognition. This discrepancy in the legal system in terms of recording these customary marriages makes it difficult to obtain accurate data. [72] The true scope of child marriages is therefore much higher than the official numbers reveal.

Official rates of child marriage remain high, with an estimated 16% of girls married off before the age of 18. [175] Figures released by the Ministry of Justice reveal that 42,028 underage marriages took place in 2011, an increase of more than 23% since 2007.³⁸ [176, 177] However, data collection remains inconsistent seeing that many underage marriages are not registered. According to the latest official statistics, 35,152 cases were reported in 2014. [178] Between 2007 and 2013, the ‘Institut National de Solidarité avec les Femmes’ (INSAF) registered that the demands for an underage marriage vary according to age categories: 202,719 minors were 17 years old, 79,935 were 16 years old, 15,601 had reached the age of 15, and 1,730 demands concerned a minor girl of only 14 years old. [179]

Figures from a study conducted by the Moroccan High Commission for Planning reveal that women who marry without consent are almost three times as likely to experience partner violence, including sexual violence, in the domestic household. Moreover, younger married women, from 18

³⁸ In 2011, 99,31% of judicial requests implicated girls, whereas boys only accounted for 0,69%. [177]

to 24 years of age, experience a higher rate of violence than married women between 35 and 39 years. [180]

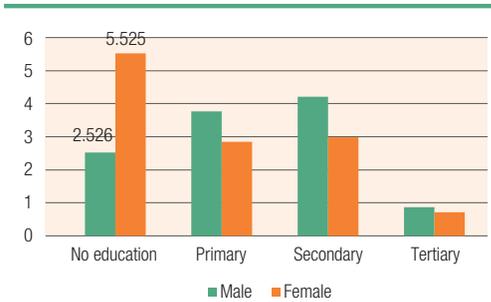


Figure 3.2: Uneducated Women and Men (millions) in Morocco [170]

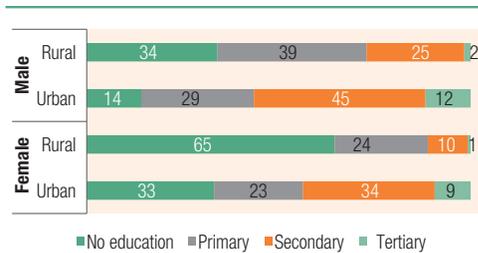


Figure 3.3: Education Level by Gender and Urban/rural in Morocco [170]

Characteristics of the research area

Research activities with communities were conducted in the **Marrakech region**. Between 2004 and 2007, the rate of poverty in the Marrakech-Tensift Al Haouz region dropped by 41.8%, which ranks the area amongst those with the sharpest decline in poverty in the country. [176] Unemployment rates in the greater region of Marrakech also fell dramatically between 2010 and 2011: the urban settings in this region represent one of the few urban areas in Morocco where the unemployment rate actually dropped (from 11.4 to 9.7%), and the rural settings in the (larger) Marrakech region demonstrate the strongest decline in unemployment compared to the national level (from 2.3 to 1.2%). [176] Despite this large decrease in the numbers of those in poverty, reports suggest that child marriage in this region is on the increase. Figures point to significantly higher levels (18.94%) of child marriages in Marrakech, compared to other regions. [181] Women in the larger Marrakech region also, in general, continue to demonstrate the lowest age at first marriage (under 25 years) in the country. [176]

Given that poverty is a lead cause for child and forced marriage, this seeming discrepancy warrants an in-depth exploration. Economic development is expected to bring about a drop in the numbers of women and girls that are coerced to marry [57, 83, 182], yet this correlation is not reflected in the Marrakech region. This was a leading motive to conduct research in this geographical area.

In addition, stakeholders consisting of experts and activists on women’s rights and health were consulted. These experts were interviewed in **Rabat, Casablanca and Marrakech**, areas that

harbour a large concentration of NGO's and women's rights networks working on the issue. Nevertheless, their campaigns and activities incorporate the whole of Morocco.

3.2. Belgium

Belgium is made up of 3 regions: the Walloon, Brussels-Capital and Flemish regions. The country has a population of over 11 million, with the highest concentration of around 6,5 million residing in the Flemish region. [183] Moroccans have historically represented one of the largest non-EU immigrant communities in Belgium, closely followed by the Turkish residents. In 2015, 468.687 people with a Moroccan background were residing in Belgium, of which over 150.000 in the Flemish region. [184]

In the last decades, the population with a Moroccan background grew considerably. According to estimates, between 1991 and 2012 the Moroccan community had multiplied by 2,6. [185] Within that timeframe, the representation of residents with a Moroccan background increased from 1,6% to 3,9% of the total Belgian population. Despite the continuous growth, the number of people with the Moroccan nationality has decreased, indicating that progressively more have taken on the Belgian nationality. [185]

In 2000, 54,8% of the Moroccan Belgian community was born in Belgium. This figure remained relatively stable over the years, measuring 55,2% in 2009. [185] The growth of the Moroccan population therefore relies heavily on migration from Morocco. Since the end of economic migration, in the wake of the recession and the tightening of immigration policies after the 1973 Oil Crisis, the emphasis has been on family migration. From the late Seventies onwards, the trend of a younger, more feminine migration wave from Morocco to Belgium was witnessed. [186] In the past decade, family reunification has become one of the key remaining routes for legal migration to the EU. Statistics published by the federal government show that Moroccans continue to receive the largest amount of first residence permits for family reasons. [187] In 2016, the most prominent reason for Third Country Nationals (TCNs) to migrate to Belgium is effectively family reunification (50%). [188] (See figure 3.4)

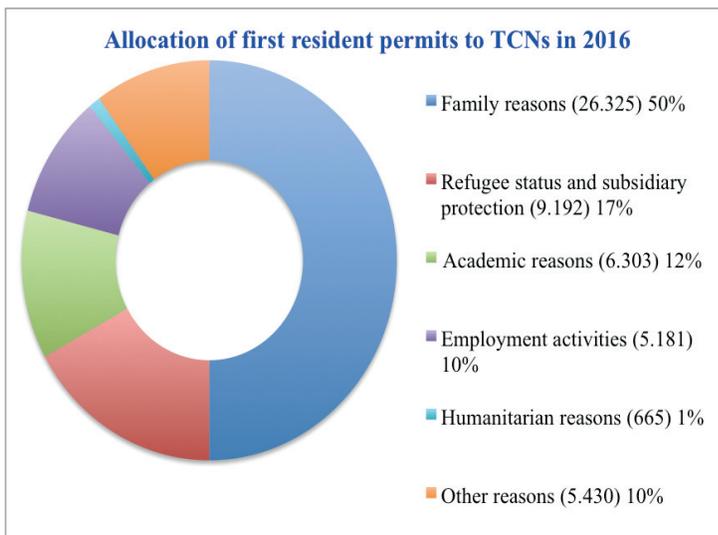


Figure 3.4: Allocation of first resident permits to Third Country Nationals (TCN's) in Belgium in 2016 [188]

The majority of the Moroccan Belgian community, up to 59%, is second-generation. Approximately 30% of the community are first-generation migrants who came to Belgium after the age of 18 years, and 6,6% is part of an ‘in-between’ generation. [185] The latter was born in Morocco, but migrated to Belgian between the ages of 6 and 17 years.

The second-generation is a very young and active group. They either arrived in Belgium before the age of 6 or are children of first-generation migrants (of which at least one parent was born in Morocco). In 2009, 66% of the second-generation was younger than 20 years, and 31% is aged between 20 and 39 years. The majority of the first-generation is part of the professionally active population with 55% part of the 25 - 44 age bracket. Another 18% of this first –generation group is at least older than 60 years. [185]

Our research population group consisted predominantly of a mix of first-generation and second-generation participants from the Moroccan Belgian community.

Prevalence of forced marriage in Belgium

Figures on the prevalence of forced and child marriages in Belgium are problematic. Attempts have been made to grasp the scope of the issue, yet these are mostly limited to a geographic area or a single ethnic group. [35] One of the earliest studies originates from a 1991 survey on family forming and value patterns among Turkish women in Flanders and Belgium. Of all the (previously) married women in the sample, 18% of the 850 respondents had been forced to marry against their will. [189] Yet what these figures say about the scope of forced marriage is a question of interpretation. On closer scrutiny, especially the older women and marriage migrants added to the percentage. The figures themselves did not say anything about the occurrence of forced marriage at the time of the survey; the issue is referred to as an event that occurred in the span of their lifetime. What’s more, many forced marriages probably had taken place outside Europe, rendering the figures useless to measure the magnitude of the problem in Belgium. [151] These methodological shortcomings are reflected in many of the subsequent attempts to quantify forced and child marriage in Belgium, as demonstrated in Figure 3.5. While the studies provide valuable information about the population groups and/or regions in question, extrapolating general figures for the whole of Belgium, indicating trends over time, is not possible.

1999	Interviews with Turkish and Moroccan women in Flanders and Brussels	27% of women older than 40 years were married by force [190]	
2004	Survey among adolescents (15-18 yrs) in secondary schools in Brussels and Wallonia	7% are confronted with forced marriage in their family, 16% know about forced marriage among their acquaintances and 73% confirmed it happens in Belgium [191]	
2006	Interviews with Turkish, Moroccan, Albanian, Pakistani women	No figures available [159]	
2009	Survey among male respondents from the Moroccan, Turkish and Sikh community	No figures available [192]	
2012	Study on forced marriage in the Brussels-Capital Region	Aid organisations report several cases in recent years (between 1 and 5 cases) [55]	

Figure 3.5: Overview of studies on forced and child marriage in Belgium between 1999-2012

One way of getting an idea of the magnitude of forced and child marriage is by registering cases. Since the adoption of a specific criminal law, cases should be registered at a national level by the

judicial system. However, the Matrifor³⁹ study reveals that officials often record cases as partner violence or interfamilial violence instead. [35] This study, carried out in the framework of a European project aimed at studying forced marriage as a new form of trafficking in human beings in Europe (Matrifor), conducted interviews with key stakeholders in Belgium between 2012 and 2015. [35] Respondents confirmed that efforts and initiatives to provide support to (potential) victims of forced and child marriage are scattered. Stakeholders from NGO's in multiple cities deal with 5-10 cases on average a year. Similar numbers are reflected by the Brussels-based 'Réseau Mariage et Migration', a network comprising of numerous partner NGOs. Consolidating the numbers of the various partner organizations in their network, they see about 20-30 cases on a yearly base. [193] This figure corresponds to the averages mentioned in the Matrifor study as well. Nevertheless, these cases would only represent the '*tip of the iceberg*'. [35]

Characteristics of the research area

Research activities with the Moroccan Belgian community were conducted in the **provinces of East-Flanders and Antwerp**. These provinces are both situated in Flanders, the Flemish region, where identical legislation and policies, issued by the Federal and Flemish governments, apply. This effectively allows for a comparable framework to take the macro-level context (government policies) into consideration. [194] In Belgium, integration policies fall within the scope of the federated entities. Flanders, the Walloon region and the Brussels-Capital Region have each developed their own integration policy according to their debates and objectives regarding the management of cultural diversity. Moroccan and Turkish migrants were the first migrants targeted by these policies. For many years, Flanders has had a compulsory integration program targeting newcomers.⁴⁰ [195] More recently, the two other regions have also developed integration programs for new migrants. However, the compulsory program in the Walloon region was not yet implemented at the time of research.⁴¹ [195] In the Brussels-Capital Region integration programs have only recently been made compulsory.⁴² [196, 197] New Moroccan and Turkish migrants are thus differently affected by integration programs, depending on the region in which they settle. [194]

Furthermore, professionals from various sectors who encounter child and forced marriage were consulted. These experts were based throughout Belgium, in the **Walloon, Brussels-Capital and Flemish region**. They provided insights into the risk factors and difficulties that victims face throughout Belgium, taking into account, amongst others, the legal framework and service delivery.

³⁹ Matrifor project: Approaching forced marriages as a new form of trafficking in human beings in Europe. A collaboration between Autonomous University of Barcelona (UAB), Association Le Onde Onlus (Italy) and the International Centre for Reproductive Health (ICRH) of Ghent University. (<http://www.matrifor.eu>)

⁴⁰ Decreet van 7 juni 2013 betreffende het Vlaamse integratie- en inburgeringsbeleid, gewijzigd bij de decreten van 29 mei 2015 en 3 juli 2015.

Besluit van de Vlaamse Regering van 29 januari 2016 houdende de uitvoering van het decreet van 7 juni 2013 betreffende het Vlaamse integratie- en inburgeringsbeleid.

⁴¹ Décret modifiant le Livre II du Code wallon de l'Action sociale et de la Santé relatif à l'intégration des personnes étrangères ou d'origine étrangère (28.04.2016).

Arrêté du Gouvernement wallon du 8 décembre 2016 modifiant le livre III du Code réglementaire wallon relatif à l'intégration des personnes étrangères et d'origine étrangère (08.12.2016).

⁴² The ordinance of 11 May 2017 of the Joint Community Commission of Brussels establishes a mandatory integration programme for newcomers in Brussels. A Dutch speaking integration programme (under the responsibility of the Flemish Community Commission) and a French speaking integration programme (under the responsibility of the French Community Commission) already existed in Brussels, but they were not mandatory. The ordinance indicates that newcomers in Brussels who are between 18 and 65 years old, who have not lived in Belgium for longer than 3 years, and who have a residence permit valid for longer than 3 months, will be required to follow an integration programme. Certain categories of foreign nationals are however exempted from this obligation. The mandatory integration programme will consist of a social assessment, language courses and a civic integration course.

**“Rights of women and girls are
being raped by unjust Moroccan laws.
It’s basically ongoing institutional rape”**

NGO representative Morocco

4. METHODOLOGY

4.1. Study Designs

This study was conducted using a predominantly qualitative approach; comprising the Multiple Streams Framework, Focus Group Discussions, stakeholder interviews and household interviews. Combining various research tools and methods most likely results in a more complete picture of the study topic. A general description and overview of the applied methodologies is provided here. The participatory research was carried out between February 2011 and April 2014. Each study design will be discussed in detail in the papers presented in the next chapter.

The qualitative approach is particularly useful in explaining how social phenomena, social processes, etc. have developed or come to be. This method provides a detailed, contextual and multilayered interpretation, which is unlikely to simplify or to distort developmental processes. [198] Because of its attention to detail, complexity and causality, qualitative research is particularly suitable to provide insights into hidden social phenomena such as forced and child marriage. Qualitative techniques offer the potential to increase researcher's knowledge of hidden and hard-to-reach groups. Its sensitivity to context maximizes the chances of developing profound understanding of social conditions within a particular setting and how these conditions relate to various levels of society. [198] By forging bonds of trust and accord during fieldwork, it enables qualitative researchers to permeate the complex social networks that contribute to the continuation of the practice of forced and child marriage. In addition, sampling techniques used in qualitative research, such as snowball sampling, minimize the potential for bias in the data. [199, 200]

Quantitative methods are relatively unsuitable for studying the issue of forced and child marriage. It is inherently necessary to understand how the involved research population perceives and interprets their environment. For this aim, quantitative methods are too reductionist or narrow. [201] In social phenomena of a hidden nature, qualitative methods have proved valuable because of their capacity to explore and explain human behaviour with more accurate information that reflects the reality of the social issues. [200]

4.1.1. Multiple Streams Framework: Specific objectives 1 & 4 (to critically examine institutional context of legal and policy frameworks in Europe and provide recommendations)⁴³

The (institutional) context in which child and forced marriages occur in Belgium, cannot be set apart from the policies and trends at European Union (EU) level and in other Member States. Kingdon's Multiple Streams Framework is applied as a method in order to shed light on the policy process regarding forced marriage in Europe and its outcome. This theoretical framework offers insights into and facilitates understanding of the policy making process. [202] Once a greater understanding of the policy situation is achieved, consideration can be given to how the current policy measures are countering the issue of forced marriage and how it is impacting the relevant population groups/communities. The framework is especially useful for ambiguous problems

⁴³ The Multiple Streams Framework was not applied to analyse legislation and policy in Morocco. Unlike the political and legal situation at European level and in the Member States, a framework addressing violence against women at the institutional level in Morocco was absent at the time of conducting our research activities. There was no widespread 'active public or political debate' on how best to address violence against women, and whether or not to introduce specific criminal laws against certain practices. It is only after Amina's suicide in 2012 (see papers 2 and 3) that public outrage put enough pressure on government to take action. Just recently (in September 2018) the first law on violence against women (law no. 103.13) entered into force. We discuss this in more depth in the Discussion section (under 6.1.3.b).

The legal and policy framework in Morocco was analysed based on stakeholder interviews with experts (including legal professionals, academics and human rights activists) on the one hand, and by using sources of secondary data (such as academic paper, government and NGO reports, legal documents, etc.) on the other hand. (see paper 2)

where there are many ways of thinking about or approaching the phenomenon, and for which solutions are not clear. It must be noted that ‘ambiguity’ differs from ‘uncertainty’. The distinction is that more evidence may reduce uncertainty, but it does not reduce ambiguity. [203] Such is effectively the case with child and forced marriage. As more stakeholders join the discussion, the diverging opinions between presented solutions and manners in which to tackle the issue become more apparent.

This theoretical framework recognizes three parallel streams in the policy making process, which are ‘problem recognition’, ‘policy’ and ‘politics’. The distinction between the streams is noteworthy because it offers an understanding of how the dynamic characteristics of each independent stream contribute to the agenda-setting process. [204]

1. **Problem recognition:** The values attached to a problem and its framing are important steps in the policy making process. It is a highly dynamic and interactive process involving stakeholders on multiple levels
2. **Policy:** This stream is also described as ‘solution’ and refers to the set of policy alternatives that researchers and others put forward to address problems. This stream contains ideas and technical proposals on how problems may be solved. Technical feasibility and value acceptance increase the chance of survival. Ideas that do not align with prevailing ideological currents may not succeed. [203]
3. **Politics:** The final stream is influenced by the public mood and the impact of social pressure. It is important in determining which solutions may receive attention.

Policy choices are made when the three streams are joined together at critical times. We conducted an analysis and evaluation of the solutions set forth by the policy choices regarding forced and child marriage in Europe. In addition, the impact on the minority population groups were taken into account.

Prompted by policies at EU level, Belgium has implemented measures to tackle violence against women and practices such as forced and child marriage. As a result, minority population groups have been specifically targeted by a combination of stringent criminal and immigration regulations. It is therefore important to understand the impact of this legal framework on the migrants for whom the policies were designed. As one of the largest minority groups in Belgium, the Moroccan community is directly affected.

4.1.2. Participative Qualitative Research (Specific Objectives 1, 2, 3 & 4)

Obtaining a genuine understanding of the context, and elements within each context, that are influencing child and forced marriage can only be achieved through dialogue with the involved parties. Therefore a Participatory Approach [205] is chosen for this study, in which Focus Group Discussions (FGDs), stakeholder interviews and household interviews are central to the research.

In each study setting, local community-based organisations were closely involved in the research activities. The participation of these local associations facilitated the recruitment process and ensured that participants had access to a support network if the need presented. In addition, the involvement of these grassroots organisations resulted in a stronger sense of community and cohesion in the research settings, particularly in Morocco.

Prior to data collection in Morocco, a team comprising four female community workers from a regional women’s association (based in Marrakech) received training in facilitation and interviewing skills, confidentiality protection and the focus group and interview guides. These trained community workers shared their skills and knowledge with local facilitators at the local community level in both urban and rural areas. Research activities in Belgium were conducted

through the participation and expertise of established local community-based organisations and members of the Moroccan community in Belgium.

A script for the FGDs and a semi-structured questionnaire for interviews were developed together with the community facilitators to explore perceptions of marriage, partner choice, factors leading to forced marriage and child marriage, preventive aspects (obstacles in preventing child and forced marriage) and decision-making power in relationships. The participatory research involved inquiry, but also action. People did not only discuss their problems, they also thought about possible solutions to them and actions which could be taken.

A rights-based⁴⁴ and health approach was used as a framework for the participatory research activities. Participants' "well-being" in the sense of the World Health Organisation's (WHO) definition of health, *a state of complete physical, mental and social well-being* [88], was the focal point. Community workers and facilitators were trained to notice signals of unease or distress, and through the community associations' network they were able to refer participants to services offering health, psychological, or legal assistance. All research on violence against women needs to prioritise women's safety, and build into the study design plans on how to protect the safety of all participants. Only one person per household was interviewed, following the WHO recommendations on researching violence against women. [207] The choice not to include men in general is motivated by safety concerns for the women participating in the study. Research was conducted in close-knit communities. Involving men in the research, even from different households, would still not safeguard the women from potential repercussions for speaking out about their experiences of forced and/or child marriage. If the focus of the study becomes known – either within the household, or among the wider community – a perpetrator may find out about the topics of the interview or Focus Group Discussion. Participating in research on such a sensitive topic might provoke further violence or put the respondent at risk. Either way, the study should be framed as a study on women's health or family relations. This enables the respondent to explain the interview or Focus Group Discussion to others in the household and wider community in a safe manner. [208]

a) Focus Group Discussions (FGDs)

Focus group discussions (FGD) were held to explore cultural and religious perceptions, decision-making power related to age of marriage and choice of partner as well as their attitudes and values on reproductive and sexual health and rights. Focus Group Discussions enable participants to discuss and debate the issues in depth, and to respond to each other's comments, thus providing valuable insights. Data collected from FGDs was useful in triangulating and validating the information collected from the household interviews and stakeholder interviews.⁴⁵

Saturation of qualitative themes is usually reached after at least two FGDs with each group of interest. [209] Respectively 7 (Morocco) and 9 (Belgium) FGDs were held in the research settings. In total, 106 women participated in the FGDs in Morocco, and 95 women in Belgium. In order for the data to be as representative as possible, the locations of the FGDs incorporated rural/provincial settings and urban/large cities, in accordance with the country in which they took place.

In each country/research setting, different types of FGDs were conducted, with each group containing approximately 8-12 participants. [210, 211] Inclusion criteria were being female and 18 years of age and older. The aim was to cover multiple age groups, in order to include the **Intergenerational Dialogue** [212] method in several FGDs. This particular method was developed

⁴⁴ A human rights based approach takes a starting point in international human rights commitments and standards. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices. An important element in a human rights based approach is the focus on **empowerment** and **capacity development**. Particular aspects to monitor and analyse in design and processes are the four human rights principles: **Accountability, Participation, Non-discrimination** and **Transparency**. [206]

⁴⁵ "Methodological triangulation" involves using more than one method to gather data, such as interviews, observations, questionnaires, and documents.

to promote constructive and consensual change of harmful practices, such as genital mutilation and forced marriages. Through the local organisations, community-based dialogue is held in which young and old women discuss controversial themes such as gender roles, sexuality, traditional values and practices, with mutual respect. Evaluations of this method demonstrate that the quality and quantity of communication between the generations improved significantly, that communities decided to sanction harmful traditional practices and that religious and traditional leaders who took part in these dialogues became active promoters of youths' reproductive rights. The Intergenerational Dialogue Approach is an alternative to interventions that provide awareness-raising information but fail to stimulate behavioural change. Participants were divided into the following age categories:

- Focus Group with young women between the ages of 18-29 (“younger women”);
- Focus Group with women between the ages of 30-69 (“older women”);

The Intergenerational Dialogue method was applied in focus groups where both age categories were approximately evenly matched.

In addition to the Intergenerational Dialogue method, FGDs employing the **Intercultural Dialogue** were held in the Moroccan Belgian community. Participants from the Moroccan Belgian community in Belgium were combined with Belgian nationals and several women from other ethnic backgrounds. Participants were thereby confronted with alternative perspectives and potentially divergent viewpoints, essentially highlighting their migratory experience and its impact on marriage, choice of partner, relationship decision-making power, cultural and religious views on sexual and reproductive right, etc.

Case studies (“vignettes”) were used in Focus Groups, which act as aids to the discussion. They enable participants to have a discussion about the issues at hand without having to reveal any personal information. Case studies were designed to be culturally sensitive in order to resonate with the participants in each setting. They were created together with local community associations and members of the relevant communities.

b) Household Interviews

In each research setting, structured in-depth interviews were held among households, using a prearranged questionnaire. Eligible respondents were women, aged 18 years or older. [207] Obtaining ethical clearance to interview minors on this sensitive subject is particularly difficult. Moreover, the presence of a guardian, often the husband, is required in some cases, which would put the girls at further risk considering the nature of the research topic. WHO guidelines also state that interviews should be conducted in complete privacy. Research demonstrates that primarily women are affected by forced marriage, hence the decision to limit in-depth interviews to women. Only one person per household was interviewed, following the WHO recommendations on researching violence against women. [207]

In each country/research setting, approximately 20 households were targeted. Research by Guest et al. demonstrated that saturation, the point at which no new information or themes are observed in the data, occurred within the first twelve interviews. [209] A sample size of 20 interviews should, therefore, suffice when the aim is to understand common perceptions and experiences among a group of relatively homogenous individuals (female members of households from research communities).⁴⁶ A total of 19 household interviews were held in Morocco, and 35 in Belgium.

⁴⁶ Interviews were conducted with several women in each research setting per country. This allowed for a crosscheck and validation of the data from the FGDs (see papers for more detailed info).

The aim of the interview was to assess the socio-demographic⁴⁷, socio-economic⁴⁸ and socio-cultural⁴⁹ background of the household to enhance understanding of the context, partner choice and predictors of forced and child marriage.

The questionnaire was a combination of open-ended questions and statements to which the respondent expressed her personal level of agreement/disagreement, based also on the following tools:

- Sexual Relationship Power Scale [213]
- Sexual Assertiveness Scale [214]
- WHO Domestic Violence and Women's Health Tool [215]

Participants were asked about circumstances leading to marriage, expectations of marriage and how much choice was involved as well as their views on what would increase/decrease the likelihood of forced marriages taking place. Ideas and themes expressed in earlier FGDs and interviews were discussed in subsequent interviews.

c) Stakeholder Interviews

Individual semi-structured interviews were conducted with stakeholders in Morocco⁵⁰ and Belgium who come into contact or deal with child and forced marriage, among which health care workers, legal professionals, prosecutors, judges, police, social service workers, teachers/academics, NGO and government representatives. Experts from multiple professions were included in order to provide insights from various angles and frames of reference.

A snowball sampling was used. Recruitment was focused on key-persons and key-organisations specialized in violence against women, and forced and child marriage. Interviews were conducted with 22 stakeholders in Morocco, and 25 stakeholders in Belgium.

Stakeholders in Morocco were based in Rabat, Casablanca and the Marrakech region. These areas harbour a large concentration of professionals working on the issue, and multiple (national and regional) NGO's and women's rights networks in Morocco. Additionally, a number of stakeholders have experience of working in urban and rural areas throughout the entire country.

In Belgium, the experts were based in the Walloon, Brussels-Capital and Flemish region. They provided insights into the risk factors and difficulties that victims face throughout Belgium, taking into account, amongst others, the encompassing federal legal framework and service delivery.

A semi-structured interview schedule, consisting of open-ended questions, was used. Questions explored participants' knowledge, experience and views on child marriage and forced marriage, including current laws, policies, guidelines and recommendations to improve tackling the issue. Participants were also asked to identify risk factors and obstacles in preventing child and forced marriage, and barriers to meeting the needs of girls and young women. Ideas expressed in secondary data (academic papers, government and NGO report, various legal documents and media reports) and in earlier interviews, were discussed in subsequent interviews.

⁴⁷ Birth cohort of woman and man, Age of woman and man at marriage, Age at menarche, Age at first sexual intercourse, Educational status of the woman, her parents and her spouse, Literacy of girl/woman, Place of residence, Place of birth, Work experience of woman, Age of woman's parents.

⁴⁸ Socio-economic status of woman's family, Socio-economic status of woman's spouse and his family.

⁴⁹ Religion, Ethnic background, Type of union, Number of desired children.

⁵⁰ Given the particular difficulties in obtaining critically peer-reviewed information and research results on policies in Morocco, including their contextual implementation, the stakeholder interviews were particularly important to gain insights into the institutional context in Morocco.

4.1.3. Comparative Analysis: Methodological Framework

The theoretical model developed by Hooghiemstra (2001) was used to explain marriage dynamics and patterns in the choice of a partner. [216] This systematic framework is a combination of various existing theoretical models, each focusing on a single factor, thus acknowledging the complementary nature of these different models by combining the factors into a single heuristic framework with three levels (see Figure 4.1). In light of the broad aspects that are taken into consideration, and the applicability in similar research, this model is a useful tool for analyzing the problem of forced marriage and the impact of context in the present PhD research. For example, this systematic framework was applied to explain determinants in partner choice, marriage modalities, marriage migration and risk factors for forced marriage. [192, 217] Besides structural macro-level factors in the wider societal and demographic context, this model also encompasses the role of social networks and community (meso-level) in the more immediate environment and micro-level facets such as personal characteristics (including beliefs and preferences) and direct family to explain decisive factors in partner choice, thus uncovering any form of pressure or duress in this complex process.

In addition, the correlation between the multi-level factors is taken into consideration in the analysis:

1. **Micro-level factors** (individual and interpersonal): Decision-making power & process
 - Personal characteristics: age; educational attainment, beliefs and preferences
 - Orientation of values (focus on achieved vs. ascribed characteristics)
 - Task divisions and role patterns within household and family
 - Individual decision-making power (direct influence of family, peer pressure, etc.)
 - o Decision on choice of partner
 - o Decision on meeting boys and men
 - o Decision on age of marriage
 - o Decision on sexual activity
 - o Decision on family planning

2. **Meso-level factors:** (Immediate) social environment
 - Social networks: composition, impact and extent of network
 - o Integration of family (link between family and community)
 - o General role and perceptions of (extended) family
 - Cultural and/or religious influences: perceptions and justifications regarding marriage (reigning 'systems of partner choice')

3. **Macro-level factors:**
 - National, Regional and/or Community Demographics (including demographic structure of migrant groups) relating to age of marriage, age of first childbirth, educational and economic indicators: i.e. literacy and drop-out rates, transition to job market, etc.
 - Description of existing legislation, policies and/or programs regarding forced/child marriage, violence against women, etc.
 - o Family Law: minimum age of marriage
 - o Civil law, including remedies
 - o Criminal law
 - o National Policy, Strategy or Campaign

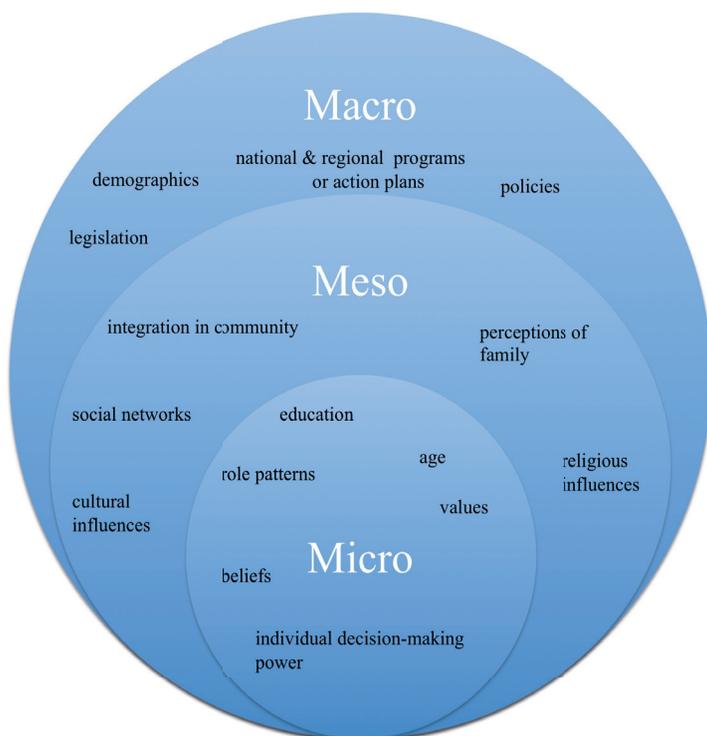


Figure 4.1: Hooghiemstra's heuristic framework

Thematic qualitative analysis was conducted, in which patterns or themes within the data were reported and analysed using framework grids. [218] Grids consist of raw data extracted from the interviews and group discussions. This form of data reduction allows for an easily accessible and transparent tool for analysis. Raw data was sorted by theme and placed in the relevant part of the theoretical model through which a conceptual framework of themes and sub-themes was developed, allowing significant factors to emerge. Thematic concepts expressed by a majority of participants were defined as comprising essential domains.

Several authors (AS and 1 or 2 others – depending on the particular research setting) independently scrutinised transcriptions of interviews and FGDs, field notes and documents and identified common themes among the data. These authors compared notes, reconciled any divergence and independently reviewed the transcripts. Findings were consecutively discussed between all first-hand data collectors.

4.2. Research Ethics

4.2.1. Ethical Approval

The purpose of the study and the terms regarding recording of the interview and anonymity were explained at the beginning of each interview before obtaining the participants' consent. The study received ethical approval from the Ethics Board within the Faculty of Medicine & Health Sciences of Ghent University (EC/2010/445); and was exempted from ethical approval by the Comité d'Ethique pur la Recherche Biomédicale of the Faculty of Medicine and Pharmacy of Université Mohammed V in Rabat, Morocco, on the grounds that it is not concerned with biomedical research and does not involve (experimental) interventions on human subjects.

4.2.2. Informed Consent and Confidentiality

The objectives of the study and the terms regarding recording of the group discussion or interview and anonymity were explained at the beginning of every FGD and interview, prior to obtaining the participants' consent. The principles of voluntary participation and confidentiality were also made clear. Participants could withdraw from the FGD or interview at any point.

The FGDs and interviews were held in Arabic or Berber. Audio recordings were transcribed and transcripts of Arabic or Berber FGDs and interviews were translated into Dutch. In the course of the process of analysis, research results were anonymised to protect participants' identities



5. RESULTS

5.1. Outline

The general objective of this study is to contribute to a better understanding of factors leading to forced and child marriage in Morocco, and the impact of the migratory context on the issue among Moroccan migrants in Belgium. Given the severe consequences on women's health and wellbeing, it is paramount to gain insights into this practice that frequently remains hidden.

Following the specific objectives of the study, the results section is divided into three sections. Firstly, we assess the impact of the institutional framework and public perceptions on forced and child marriage in Europe and Belgium, and the impact of these policies on migrant population groups (paper 1). In addition, we explore the stakeholder interviews in Belgium that provide data on risk factors and challenges in addressing the issue of forced and child marriage (report 1). Secondly, we will present the results of the stakeholder interviews in Morocco through which, together with secondary data, we assessed the institutional context, including cultural and religious norms, and their impact on forced and child marriage (paper 2). Thirdly, we let the voices of the women be heard that allowed us to gain insights into contextual determinants of forced and child marriage in Morocco and among the Moroccan community in Belgium. (paper 3 and paper 4)

5.2. Analysis of the institutional framework on forced and child marriage in Europe and Belgium, including the risk factors and challenges in addressing the issue in Belgium (Objectives 1 and 4)

Due to growing migration numbers, forced and child marriage is increasingly perceived as a problem in Europe as the practice is generally associated with migratory flows and the difficulties that immigrant families experience in becoming integrated in industrialised countries. Spurred on by policies at European Union level, Member States have been implementing laws and action plans to tackle the practice. As a result, minority groups have been specifically targeted by a combination of stringent criminal and immigration regulations. It is therefore important to understand the impact of this legal framework on the migrants in Europe for whom the policies were designed. As one of the largest minority groups in Belgium, the Moroccan community is directly affected. The Multiple Streams Framework is applied as a method in order to shed light on the policy process regarding forced marriage in Europe and its outcome.

Furthermore, stakeholders provided insights into the risk factors and challenges in addressing child and forced marriage. Individual semi-structured interviews were held with professionals from various sectors who encounter child and forced marriage. Respondents included policymakers, lawyers, judges, prosecutors, police, health-service professionals, social service workers, schoolteachers, and those working for specialized NGO's and migrant women's associations. In addition, a desk-study was performed to analyse the Belgian legal and policy framework on forced and child marriage in detail.

Paper

1. **Sabbe, A.**, Temmerman, M., Brems, E., and E. Leye (2014) "Forced marriage: an analysis of legislation and political measures in Europe." *Crime, Law and Social Change*, 62(2): 171-189

Report

1. Leye, E. and **A. Sabbe** (2015) *Forced marriage in Belgium: An analysis of the current situation*. Ghent, Belgium: ICRH Global.

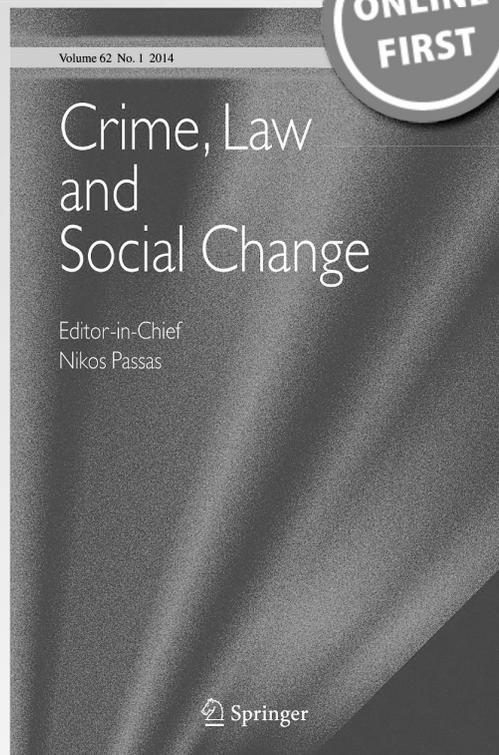
*Forced marriage: an analysis of legislation
and political measures in Europe*

**Alexia Sabbe, Marleen Temmerman, Eva
Brems & Els Leye**

Crime, Law and Social Change
An Interdisciplinary Journal

ISSN 0925-4994

Crime Law Soc Change
DOI 10.1007/s10611-014-9534-6



Your article is protected by copyright and all rights are held exclusively by Springer Science +Business Media Dordrecht. This e-offprint is for personal use only and shall not be self-archived in electronic repositories. If you wish to self-archive your article, please use the accepted manuscript version for posting on your own website. You may further deposit the accepted manuscript version in any repository, provided it is only made publicly available 12 months after official publication or later and provided acknowledgement is given to the original source of publication and a link is inserted to the published article on Springer's website. The link must be accompanied by the following text: "The final publication is available at link.springer.com".

Forced marriage: an analysis of legislation and political measures in Europe

Alexia Sabbe · Marleen Temmerman · Eva Brems ·
Els Leye

© Springer Science+Business Media Dordrecht 2014

Abstract Forced marriage is of current international concern in Europe. As many cases involve a transnational component linked to migration, it is increasingly receiving attention at the government level. The serious consequences for women, including sexual violence, and the physical and psychological health risks associated with it, seem to receive little consideration. Recent years have seen a rise in initiatives and measures taken by policy makers throughout Europe. As the focus is placed on criminalization and stringent immigration policies, ethnic minority population groups bear the greatest burden. It is argued that specific criminal laws make it more difficult for victims to come forward, while offering very little or no protection in return. The widespread 21-year age rule in immigration law has been denounced by scholars, institutes and magistrates alike for infringing on the fundamental human right to family life guaranteed by article 8 ECHR. The discourse on forced marriage appears to have reached a crossroads. European governments are faced with the challenge to create policies that protect and support victims, while simultaneously cracking down on perpetrators and safeguarding their borders from abuses in obtaining visas. There is a very pressing need to work more closely with those at risk, involving service provisions to directly support them, instead of a one-side top-down policy framework through which minority communities feel targeted and stigmatized.

A. Sabbe (✉) · E. Leye
ICRH - International Centre for Reproductive Health, Faculty of Medicine & Health Sciences, Ghent University, De Pintelaan 185, UZP114 9000 Ghent, Belgium
e-mail: alexia.sabbe@ugent.be

E. Leye
e-mail: els.leye@ugent.be

M. Temmerman
WHO - World Health Organisation, Geneva, Switzerland
e-mail: temmermanm@who.int

E. Brems
HRC – Human Rights Centre, Faculty of Law, Ghent University, Ghent, Belgium
e-mail: eva.brems@ugent.be

Introduction

In recent years, forced marriage has become the subject of public and political debate throughout Europe, particularly due to reports of immigrant girls in Western European countries taken to their country of origin to be forcibly married [1]. The discussion suffers lack of clarity as countries have different, overlapping ways of perceiving the problem [2]. Forced marriage is interwoven with migration and integration on the one hand, and domestic violence on the other hand [3]. On the whole, in seemingly every country there is a tendency to connect the issue to the culture, and sometimes also the religion, of minority population groups [2, 4–7]. This is partly rooted in the media's portrayal of forced marriage in light of the concept of family honour and the occurrence of honour killings [8, 9]. Reddy clarifies that the term 'honour killing' usually envisages a scenario where *a woman is killed to either prevent or repair perceived violations of male or familial 'honour'* [9]. Forced marriage is thus considered *both a type of 'honour crime' in itself, and the precursor to or result of other types of honour-related violence* [9]. In referring to customs and behaviours of migrants, a contrast is made with the majority population [4]. As a result, the imported *foreign* cultural practices are seen as a threat to fundamental European or Western values [4, 7, 8, 10, 11]. This perception and emphasis on the phenomenon as a migrant issue is inherently influencing and shaping national public debates, legislation and policies. The aim of this paper is to critically assess prevailing and emerging policies regarding forced marriage in Europe.

The research available in this context, in addition to government reports, NGO-reports, policy documents, legislation and literature, is examined as it relates to forced marriage, its impact on victims and the current policy trends in Europe. Documents from institutional sources, such as the World Health Organisation, Council of Europe, the Europe Union and the United Nations, are included in the analysis. The highly contemporaneous nature of the topic, with laws and policies changing rapidly, has influenced the decision to only include data from the year 2000 onwards, up until December 2012. The decision to base this analysis on fairly recent and contemporary sources is also echoed by authors, for instance stating that *the last five years (...) is the period in which there has been a substantial impetus in relation to forced marriage* [12].

The Multiple Streams framework is applied as a tool for the analysis in order to explain the policy process regarding forced marriage in Europe. This theoretical framework offers insights into and facilitates understanding of the policy making process [13]. Once a greater understanding of the policy situation is achieved, consideration can be given to how the current policy measures are countering the issue of forced marriage. The framework is especially useful for ambiguous problems where there are many ways of thinking about or approaching the phenomenon, and for which solutions are not clear. It must be noted that 'ambiguity' differs from 'uncertainty'. The distinction is that more evidence may reduce uncertainty, but it does not reduce ambiguity [14]. Such is effectively the case with forced marriage. As more stakeholders join the discussion, the diverging opinions between presented solutions and manners in which to tackle the issue become more apparent.

After outlining the background and scope of the issue of forced marriage, a descriptive analysis is provided, offering an understanding of the current status of the

policy measures and discussions. This is followed by an explanatory analysis, whereby the Multiple Streams framework is applied to go deeper into the reasons for the prevailing policies.

For practical purposes, only key papers and documents will be used to illustrate the themes that were identified from the analysis.¹

Background

Attempting to define forced marriage brings to light the complexity of the issue. Forced marriage is commonly defined as a union² where one or both parties are coerced into a marriage against their will and under duress. In most countries, this element of duress can include physical, psychological, financial, sexual and emotional pressure [15–17].

Except for cases where there is actual physical violence that denies a person's freedom of consent, it is difficult to determine whether or not the union was entered into freely. It all depends on the circumstances in which the intent is expressed. Feelings of anxiety and fear can overrule any resistance to a marriage, leaving a person vulnerable and unable to escape the union, thus making it difficult to distinguish between arranged and forced marriages. In arranged marriages the spouses are introduced by parents or relatives but both parties give their full and free consent to the union, therein lies the difference with forced marriage [12]. However, in practice it can become difficult to accurately determine at what point emotional pressure becomes great enough to implicate genuine force in order to distinguish between forced and arranged marriages [18, 19]. Along this line, the term 'consent' is contested by researchers who argue that it is context bound and embedded within power relations, rather than an act of pure individual agency [20].

Child marriage, defined as marriage of a child under 18 years of age, is a widespread practice, especially in developing countries [21]. It is also generally considered a forced marriage. In the case of child marriage, the lack of maturity makes consent impossible [22]. The United Nations Convention on the Rights of the Child (CRC, 1989) defines a child as anyone under the age of 18 years,³ based on ideas of universalised notions of maturity [23].

Forced marriage is widely recognised as a human rights abuse, violating a number of international human rights norms, including the right to freely enter into marriage, and to bodily and sexual integrity. As early as 1948, the right to free and full consent to marriage was stipulated by the Universal Declaration of Human Rights.⁴ The recognition of the right to consent to marriage is also guaranteed by the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and the Convention on the Elimination of

¹ Upon request, a complete reference list may be obtained from the corresponding author.

² Forced marriage applies to both formal and informal unions.

³ Art. 1 CRC: "For the purpose of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." Another United Nations instrument is the *Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages* (UN 1962), which reaffirms the consensual nature of marriages, requires the parties to establish a minimum marriage age by law and to ensure the registration of marriages.

⁴ Article 16(2): "Marriage shall be entered into only with the free and full consent of the intending spouse".

all Forms of Discrimination against Women (CEDAW, 1981).⁵ The United Nations Committee on the Elimination of Discrimination against Women emphasized that the provision encompasses the right *to choose, if, when and whom to marry* [24].

Scope of the problem

Although forced marriage is applicable to both sexes, the number of women involved is considerably larger [22, 25]. Existing data clearly indicates that more women and girls are confronted with forced marriage than men or boys. From 2008 to 2010, approximately 85 % of cases reported to the Forced Marriage Unit (FMU) in the UK involved women and girls, as opposed to 15 % implicating men and boys [26]. Of all the reports the FMU received in 2012, 18 % were male, indicating that male forced marriage could be on the rise.⁶ Yet, other studies from countries such as Germany, Switzerland and the UK reveal the share of women and girls to be even higher, up to 96 % [2, 25, 27]. Backing up these figures, a recent German research report divulged that of the 3,443 people seeking help for forced marriage in 2008, 94 % were women and girls while young men represented only about 6 % [28]. A vast amount of cases involve minors. Taking into account a cross-section of studies in Germany and the UK, on average 30 % of the victims are younger than 18 years [25, 26, 28].

Forced marriage as a form of violence

Not only do women and girls more often experience forced marriage, the impact is more serious on women and girls than on men, as they are much more likely to be confronted with domestic violence, sexual abuse and rape [29, 30]. In the German study 70 % of the victims were beaten or otherwise physically abused to convince them to marry, and 27 % were threatened with weapons or with death if they refused to go through with the marriage [28].

Considering the levels of physical and psychological abuse frequently associated with forced marriage, the issue is perceived as a form of violence against women [30]. Although there is a lack of consensus in defining violence against women [31], the United Nations supports an open definition and describes it as *any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life*.⁷ The UN Convention further specifies that violence against women encompasses violence occurring in the family and within the general community.⁸ This definition mirrors the experience of a forced marriage, which can include physical coercion, emotional pressure and sexual violence such as rape, at the time of entering into the marriage, during the marriage and when trying to leave the union [30]. In the forced marriage context, violence is mainly perpetrated by assailants in the family, such as parents, siblings, husbands and in-laws,

⁵ Article 23 ICCPR, article 10(1) ICESCR and article 16 CEDAW.

⁶ See Forced Marriage Unit (FMU) website. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141823/Stats_2012.pdf.

⁷ Article 1 United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

⁸ Article 2 (a), (b) CEDAW.

or by members of the wider community [30]. This widespread scale of the abuse makes it a considerable public concern.

Consequences

The World Health Organization classifies violence against women as a major public health problem [32]. A growing body of research is consistently linking violence with a range of serious health problems. The long-term effects have a detrimental impact, not only on individuals, but on families and communities as well. Forced marriage in particular brings about a wide range of health consequences. Forced sexual intercourse can lead to gynaecological problems. Associations have been found between coerced first sexual intercourse and genital tract symptoms [33]. Studies also report significant associations between sexual abuse and sexually transmitted infections, bacterial vaginosis, complaints of abnormal vaginal discharge, and psychological and mental disorders [34]. Because their bodies are unprepared for childbirth, young mothers experience higher rates of maternal mortality and higher risk of obstructed labour, postpartum hemorrhage and sepsis [21, 35]. Young women and girls forced into marriage are additionally exposed to a greater risk of HIV infection [21]. Research suggests that in some settings 15 to 19 year old married girls have higher rates of HIV infection than their sexually active unmarried peers [36–38]. However counterintuitive this seems, Clark et al. suggests that married girls in any setting may be more vulnerable to HIV infection because marriage increases frequency of sexual intercourse, decreases condom use, and virtually eliminates girls' ability to abstain from sex [38].

Research into victims of forced marriage also reveals the highly significant psychological impact that forced marriage can have on women [39, 40]. Self-harm and suicide are also being linked to forced marriage, significantly affecting women from South Asian origin, the largest immigrant population group in the UK, due to factors such as a *lack of self-determination, excessive control, the weight of expectations of the role of women, and anxiety about their marriages* [40, 42].

Taking the cumulative impact on mortality and morbidity into account, the health burden of violence against women is often greater than for other public health priorities that are placed higher on the policy agenda [43]. In the case of forced marriage, this is especially so, seeing that it is most often considered a minority-issue and treated as such by health professionals. In a Swedish study, issues relating to protecting the honour of the family among young immigrant women have been identified as a *new problem for health care* [44]. Health professionals and counsellors have no guidelines or rules to follow, and little experience with this subject matter to fall back on. Yet victims under *constant mental stress*, with detrimental effects to their wellbeing which potentially result in depression [44]. Besides the health burden on individuals, a growing body of research points to the huge economic costs of violence against women to society, including the direct costs to health, law enforcement, etc. [43, 45, 46].

Forced marriage policies in Europe: descriptive analysis

In recent years, forced marriages received increased attention from women's rights groups and governments throughout Europe. Because of a series of honour killings in different countries, it has become the subject of political debate [3]. Moreover, cases are

noted in which young women and girls living outside their home countries or regions had been sent home under a deceptive pretext with the intent of forcing them into marriage [47]. These highly mediatized incidents impact on the way forced marriage is perceived, inherently influencing and shaping national debates and policies. Studies show that European countries are moving together in some ways, generally backing away from multicultural policies and shifting in the direction of controlling minorities rather than protecting those affected [6, 7].

Specific laws and regulations on forced marriages have found their way onto the political agenda and are increasingly being implemented in European countries. Although forced marriage, as a form of violence against women and sexual abuse, is an important health concern [21, 36, 48], the adopted solutions are mostly of a legal nature [11]. Furthermore, it is primarily being approached and addressed as a criminal and immigration issue. The next section will take a closer look at the mounting criminalization and migration policies regarding the topic of forced marriages in European context.

Criminal approach to forced marriage

Overview General criminal provisions such as assault, harassment, rape or abduction can be brought against a forced marriage. However, in the past decade several countries have adopted specific criminal provisions to prosecute forced marriage. The decision whether or not to create a separate offence has been the subject of political debates and elaborate consultation rounds with experts and stakeholders. Norway,⁹ Austria,¹⁰ Belgium¹¹ and Denmark¹² were among the first to criminalize the act of forcing someone to marry, respectively in 2003, 2006, 2007 and 2008. The latest country to join this list is Germany, where in March 2011 parliament passed a law to make forced marriage a criminal offence.¹³ The reasoning behind this is that it would send an unequivocal signal to the implicated population groups that the practice is unacceptable.

Other countries, such as the Netherlands, and formerly the United Kingdom, opted against separate criminal legislation, arguing that it would have a potential discriminating and stigmatizing effect on migrant population groups, casting suspicion on communities already overrepresented in the criminal justice system [11, 16]. In the UK, government initially opted for civil legislation on forced marriage, not criminal. The Forced Marriage Act, adopted in 2007, allows courts to issue 'Forced Marriage Protection Orders' which can be used both to prevent a forced marriage from taking place and to assist victims of a forced marriage. Because the breach¹⁴ of an order can

⁹ In 2003, a paragraph containing a prohibition against forcing a person to enter into marriage was added to section 222 of the Penal Code. The penalty is imprisonment for up to 6 years, also for third parties involved [49].

¹⁰ It was made a criminal offence on July 1st, 2006 [50].

¹¹ In 2007, article 391 sexies of the Penal Code was adopted [2].

¹² Forcing someone to enter marriage can result in a prison sentence of up to four years [51]. See article 260

(2) Danish Penal Code [52].

¹³ Gesetzentwurf der Bundesregierung, 13.01.2011, BT-Drs. 17/4401; Beschluss-empfehlung und Bericht des Innenausschusses (4. Ausschuss), 16.03.2011, BT-Drs. 17/5093 [28].

¹⁴ At the moment (January 2014), the breach of a Forced Marriage Protection Order is dealt with as a civil contempt of court, punishable with a fine or a custodial sentence of up to two years' imprisonment.

lead to prison sentences up to two years, the UK solution is often acknowledged as a *type of hybrid*, comprising a warrant of arrest while avoiding the penal consequences of a criminal law [53].

In December 2011, the UK government reopened the debate whether or not to create a specific offence for forced marriage and a consultation round was held, seeking the views of key partners and directly affected parties [54]. In June 2012, the Home Secretary finally announced that a new law would be introduced, making forced marriage a criminal offence [55].¹⁵

Europe's policy clearly supports specific criminal legislation.¹⁶ This was again confirmed recently, in 2011, when the Council of Europe adopted a Convention on preventing and combating violence against women, stipulating that states are required to make it an offense to force someone into marriage.¹⁷ It serves as a benchmark, representing political consensus regarding the use of criminal law to combat forced marriage [11]. Switzerland has now joined this trend toward criminalization by issuing draft legislation creating a specific offence for forcing someone into marriage [58].¹⁸ France looks to be the next country to follow suit [59]. Meanwhile, the Swedish government is consulting on the criminalization of forced marriage [60]. This further underscores the European inclination towards criminalization, which countries justify by accentuating that forced marriage is a human rights abuse. Political discussions and policy documents in these countries reflect how the issue is consistently paired with the culture of migrants and immigration issues [2, 7, 27]. However, as Kool points out, this *holds the risk of the strategic misuse of human rights for political benefit*, by targeting migrants and limiting immigration [11]. Stakeholders in Switzerland and France are well aware of this risk. In order for the new law to be successful, they are calling for the issue of forced marriage to be *depoliticised* and to be treated as a human rights violation as such, not *an excuse for some new strategy to drive foreigners from the country* [61, 62]. In the following section, we will take a closer look at the arguments and concerns that criminalization rouses.

An analysis of arguments concerning criminalization Experts and activists throughout Europe invoke strong arguments both pro and contra criminalization. Apart from sending a clear signal that the practice is unacceptable, a specific criminal offence could empower young people to challenge their parents or families, thus creating a change in attitudes and beliefs [58, 63, 64]. Additionally, it is argued that a new offence would provide punishment to the perpetrator, thus acting as a deterrent [17, 53, 63].

Among the opponents of creating a specific criminal law, a major concern is that victims would be discouraged from seeking help from authorities for fear that family members would be prosecuted. Specific criminal legislation is being called a 'false good-solution', claiming that it increases the risk of victims remaining silent and puts

¹⁵ The legislative change is expected in the course of 2014. Note: In 2011, the Scottish government already had introduced the 'Forced Marriage Protection and Jurisdiction Act' (see: <http://www.legislation.gov.uk/asp/2011/15/contents>).

¹⁶ Resolution 1468 on Forced Marriages and Child Marriages, encouraging the introduction of a specific criminal offence to tackle forced marriages [56].

¹⁷ Art. 37 Convention on Preventing and Combating Violence Against Women [57].

¹⁸ In July 2013, the law enters into force.

them in a situation of conflicting loyalties [65]. Stakeholders point out that victims would experience higher stress-levels due to the fact that they do not want to see their parents going to jail [66, 67]. On top of that, it would make it more difficult for victims to move on and to later be reconciled with their families. Given that feelings of *extreme isolation and marginalization* frequently prompt young women to get back in touch with their families, separation and prison sentences rarely are the desired outcome [6, 44].

Professionals with direct experience of working with the affected communities and with victims are concerned that a specific criminal law would not provide adequate protection for victims. It might even be counterproductive and may drive families to remove the victim from the country [68], *unfortunate collateral damage* according to the France-based organisation Voix de Femmes [65].

From a technical legal stance, there is a danger of fragmenting laws and policy measures aimed at tackling violence against women in its many guises. A specific criminal law on forced marriage would be of little added value to the existing body of law on rape, kidnapping and offences against the person, such as *using (the threat of) force against him/her in order to persuade someone to act* [16, 69]. Such a law would be reduced to a mere *symbolic* function and run the risk of becoming a *paper tiger* if it's not actively enforced [16, 17]. This has been the case in Denmark so far, where despite increased reports of forced marriages, there are no court cases [51]. An evaluation of the Danish specific criminal law on forced marriage concludes that the legislation is weak, rendering it ineffective. One of the reasons is that it only applies to marriages that are formally recognized by the Danish government. Seeing that most of the forced marriages in Denmark take place in Muslim communities in the form of 'Nikah',¹⁹ which is not recognized by Danish Family Law, these unions fall outside the criminal provision's scope of application [52]. Additionally, the Danish law only focuses on non-consensual marriages induced by physical force, thereby ignoring that the overwhelming majority of forced marriages are the result of psychological coercion [51, 52]. This mirrors the concern in the Netherlands. In order to adequately tackle the issue with a specific criminal provision, it is important to clarify what exactly is understood under 'forced marriage' [16]. A clear, comprehensive definition is therefore vital. The pitfall with forced marriage is that the definitional concern never ceases because the *grey area* within the concept of forced marriage,²⁰ and its differentiation with arranged marriage, will always exist. Therefore, a clear, comprehensive and demarcated legal definition is impossible to provide, rendering a specific criminal law futile [70].

Brion takes the discussion to an economic level in considering the use of forced marriage as a *cultural offence* [71]. In her view, the State's resources are finite and, as such, enforcing the law is not worthwhile when punishment generates adverse consequences or when it is not the form of public action providing the best possible balance between benefits and resources allocated [71]. Applying this economical analysis to forced marriage, there should be no prohibition *if enforcement - arrest, judgment, conviction and detention - is inefficient* [71]. Brion underlines this argument by pointing to the *absolutely inelastic demand* for fake or forced marriages. Seeing that

¹⁹ 'Nikah' refers to an Islamic marriage ceremony [52].

²⁰ The question to what extent the marriage candidate feels pressured out of a sense of duty or loyalty to the parents.

family reunification is one of the very few remaining possibilities to immigrate to Europe, and is less ‘uncertain and dangerous’ than other illegal forms of entry into a country, increasing criminal legislation would increase the price of forced marriage and drive it into an organized sector working underground. In addition, the social costs for the targeted minority population groups are disproportionate to those generated by the practice and they contribute to the *ethnicization* of social relationships [71].

Another argument calling into question its effectiveness or usefulness, is that a criminal offence has a higher burden of proof than a civil case.²¹ Difficulties in obtaining sufficient evidence to satisfy this required burden of proof are likely [11, 72]. The cost of expert evidence alone in these cases, most likely entailing a prolonged process of cross-examination in a public arena, could be a heavy burden on public expenditure without guarantees for a successful outcome. Overall, the effectiveness of specific criminal provisions to tackle forced marriage are called into question. A recent study carried out by Roehampton University in the United Kingdom concludes that the majority of respondents consider that criminalization makes it more difficult for victims to come forward and that, on the whole, there doesn't appear to be an *appetite for specific legislation* [68].²²

Immigration measures aimed at deterring forced marriage

The largest body of legal and policy initiatives with regard to forced marriage can be seen in the area of immigration law. The influence of the European Union in this area is telling. Directive 2003/86/EC, aiming at harmonizing the immigration policies throughout Europe has given shape to today's landscape. The Directive expressly offers the possibility to adopt rules that limit the right to family reunification and states that *in order to ensure better integration and to prevent forced marriages Member States may require the sponsor and his/her spouse to be of a minimum age, and at maximum 21 years old before the spouse is able to join him/her*.²³ Although Ireland, Denmark and the United Kingdom did not participate in the Directive and are not bound to its application, Denmark had already raised the minimum age to 24 years in 2002. Following the lead of Denmark and spurred on by the Directive, several governments throughout Europe have proposed solutions focusing on stricter immigration controls in the area of family reunification. Countries such as Belgium, the Netherlands and the United Kingdom subsequently raised the minimum age both for a sponsor and a spouse entering the country to 21 years.

Both the effectiveness and the legality of this measure are being contested. Early on, the Danish Institute for Human Rights condemned the new law with the argument that it violates the right to family life as guaranteed by article 8 of the European Convention on Human Rights (ECHR). Furthermore, since the measure is primarily targeted at foreigners residing in Denmark and Danish citizens with other ethnic backgrounds, it is discriminatory [48]. In the United Kingdom there is protest that this *dual marriage age system*, whereby certain couples lose the right to family reunification solely based on

²¹ “Beyond reasonable doubt” in a criminal case, versus “balance of probabilities” in a civil case.

²² The 74 respondents represented the following categories: local councils, organisations concerned with domestic violence/violence against women, educational organisations, faith groups, police and legal experts, public sector and voluntary sector (community) organizations.

²³ This right is recognised by article 4, paragraph 5, of Directive 2003/86/EC.

their nationality or ethnicity, has a disproportionate effect on certain minority communities [12]. The Norwegian government originally proposed the introduction of an age limit of 21 years in their new immigration act, yet the measure was withdrawn from the final law proposal²⁴ due to the fact that both the *legitimacy and effectiveness* were contested [73]. It was argued that such a regulation would mainly contribute to stigmatization of immigrant groups [10]. However, Norway did introduce a subsistence requirement for people who wish to bring a spouse to Norway, as income is associated with maturity and independence. This action indirectly regulates marriage age for cross-national couples and is equally defended as an immigration measure to protect potential victims from a forced marriage [73]. Likewise, this restrictive requirement has been strongly criticized as a result [74].

In current discourse, by guaranteeing the right to private and family life, article 8 ECHR is regularly invoked to question the age-limit on family reunification. All in all, Ruffer emphasizes that *family reunification as a right to family life under the ECHR is a liberal civil right that grants the individual a substantive social protection to be free from state interference in his family life. The only way a state can interfere is for purposes of public order or security, defined as relating to criminality or health and not to culture* [75]. In light of this right, the 21 year age rule is currently under fire on several fronts. On 12 October 2011, the UK Supreme Court decided that the government's ban on non-EU spouses under the age of 21 from entering the country is an infringement of the couples' rights to family life under article 8 of the European Convention on Human Rights.²⁵ Among the reasons for the ruling is the lack of proof that the measure would have any substantial deterrent effect on forced marriages. Additionally, the measure does nothing to counter forced marriages taking place wholly within the country. This is seen as further proof that the issue of forced marriage has *become increasingly entwined with issues of immigration and border policing* [76]. One of the Supreme Court justices, Lord Wilson, points out that the age limit fails to strike a *fair balance between the rights of the parties to unforced marriages and the interests of the community in preventing forced marriages* (ruling p. 25). In that respect, the measure fails to demonstrate that it is a proportionate response to a pressing social need, thus failing to live up to the requirement that it was *necessary in a democratic society* (ruling p. 30).

The UK Supreme Court, however, does not stand alone on this issue. The European Commission is also calling into question the family reunification rules as translated to national law by Member States. In an analysis of national legislation implementing the Directive 2003/86/EC in 2008, the European Commission concluded that some Member States' requirements for the exercise of the right to family reunification are *too broad or excessive*, in particular the minimum age of the sponsor [77]. In light of identified national implementation problems and shortcomings of the Directive, the Commission deemed it necessary to initiate a public debate on family reunification in November 2011. Policymakers and stakeholders were invited to respond to a series of questions, one of which pertains to the minimum age: "*Is it legitimate to have a*

²⁴ The Norwegian immigration act came into force in January 2010 [73].

²⁵ See *R (on the application of Quila and another) (FC) (Respondents) v Secretary of State for the Home Department (Appellant)*; *R (on the application of Bibi and another) (FC) (Respondents) v Secretary of State for the Home Department (Appellant)* [2011] UKSC 45, 12 October 2011.

minimum age for the spouse which differs from the age of majority in a Member State? Are there other ways of preventing forced marriages within the context of family reunification and if yes, which?" [78].

The MIPEX project (Migrant Integration Policy Index) argues that a minimum age for family reunification that is higher than the minimum age for marriage is ineffective for integration into society [79].²⁶ Furthermore, research among victims and survivors of forced marriage in the UK calls attention to the unlikelihood that the age limit would effectively prevent forced marriages. On the contrary, it could be detrimental, leading to the forced relocation of victims to get married in their countries of origin [80]. Experts are still very much divided on the issue, the dissent even raging among first-line professionals in the field. The specialist Asian charity Karma Nirvana²⁷ has openly supported the measure, whereas the organisation Southall Black Sisters²⁸ is of the opinion that it does not in reality protect victims from forced marriage, but simply increases pressure on them to remain within an abusive situation, and discriminates against migrant communities [81].

Private life and family life are concepts that cover the physical and moral or psychological integrity of the person, including his or her sexual life. The European Court for Human Rights interprets article 8 ECHR as providing the right to autonomy, identity and integrity, together with imposing positive obligations on the state, even for actions of private individuals [82]. Taking into consideration the potential far-reaching ramifications of an infringement on the right to respect for private and family life, it is acknowledged that article 8 ECHR equally protects individuals from conduct that violates their *emotional well-being to such an extent that their personal development is hindered* [42]. Any infringement of article 8 ECHR therefore impacts upon the well-being and welfare of an individual, and comes into consideration as a health issue. The measure is said to have a *drastic effect* on a substantial majority of young couples who have entered *bona fide* marriages (point 54 of UK Supreme Court ruling). Likewise, there are concerns that the age-limit increases the risk of young people being detained abroad for sustained periods between a marriage and their return to Europe. The right to integrity requires states to avoid causing or allowing seriously adverse effects on a person's physical and psychological condition [82].

Ultimately, using immigration control as an instrument to prevent forced marriages appears to bring up more concerns, than it offers solutions. The measure can, in some cases, lead to detrimental effects on the health and well-being of young couples in transnational marriages. Unambiguous proof that the 21 year age rule effectively deters forced marriage is lacking. Moreover, the restrictive immigration legislation is creating a strong pressure towards cultural assimilation, which, in turn, contributes to exacerbate

²⁶ MIPEX (Migrant Integration Policy Index) measures integration policies in all European Union Member States plus Norway, Switzerland, Canada and the USA. Using 148 policy indicators MIPEX creates a rich, multi-dimensional picture of migrants' opportunities to participate in society by assessing governments' commitment to integration [79].

²⁷ Karma Nirvana is a registered Charity based in London, United Kingdom, that supports victims and survivors of forced marriage and honour based abuse. See: <http://www.karmanirvana.org.uk>.

²⁸ Southall Black Sisters is a not-for-profit organisation set up in 1979 in West London, United Kingdom, to meet the needs of black (Asian and African-Caribbean) and minority ethnic women. They run an advice, advocacy and resource centre, which provides a comprehensive service to help women and children escape violence and abuse (including forced marriage and honour crimes) and deal with a range of interrelated problems. See: <http://www.southallblacksisters.org.uk>.

conflicts between minority and majority groups about cultural values linked to family forms and gender roles [6, 10]. Rude-Antoine accurately points out that even if the practice of forced marriage continues within migrant population groups, it is important to recognise that, equally so, there are unions entered into with mutual consent in those groups [41]. Otherwise the measures taken to tackle forced marriage run the risk of being perceived by the minority population groups as a deliberate 'will' of the European states to stigmatize them [41].

Explanatory analysis: the underlying policy process

After outlining and discussing the prevailing policy measures concerning forced marriage in the previous section, the Multiple Streams framework is applied to explain the underlying policy process and its outcome. This theoretical framework recognizes three parallel streams in the policy making process, which are 'problem recognition', 'policy' and 'politics' [13]. The distinction between the streams is noteworthy because it offers an understanding of how the dynamic characteristics of each independent stream contribute to the agenda-setting process [83].

First of all, the values attached to a problem and its framing are important steps in the policy making process. It is a highly dynamic and interactive process involving stakeholders on multiple levels. In public debates, the media and literature, the issue of forced marriage is linked to minorities and the problems surrounding migration. Because forced marriages, and the ensuing violence, predominantly occur among ethnic minorities and migrant communities, it is regarded as a 'cultural practice' [4, 5]. It is considered to be a custom of a cultural minority that is at odds with the values of the dominant culture [2]. Nonetheless, forced marriages, as a practice, are not claimed as a 'right' by cultural and ethnic minorities, in the sense that it is not an alleged part of their cultural or religious heritage [18]. Coercion into marriage is also repeatedly associated with 'sham marriages' or 'marriages of convenience', which are contracted in order for one of the spouses to obtain a residency permit [2]. Any policy against these 'sham marriages' is inevitably a policy against illegal migration as well. In the debates on forced marriage, the position of migrants is routinely problematized. Ultimately, the way in which the problem is portrayed has a direct impact on forced marriage policy.

The second stream, that of 'policy' or 'solution', refers to the set of policy alternatives that researchers and others put forward to address problems. This stream contains ideas and technical proposals on how problems may be solved. Technical feasibility and value acceptance increase the chance of survival. Ideas that do not align with prevailing ideological currents may not succeed [14]. Such is the case that criminalization and immigration control, which have primarily been put forward as solutions, rather reflect and underscore the perception that minorities need to be controlled. On an abstract level, introducing laws is considered a politically tempting move, by '*declaring the issue dealt with*' [68]. However, this does not automatically solve the problem. The implementation of the specific criminal laws appears to be problematic seeing that, for the most part, they are rarely used on the European scene. In addition, the very victims, those the laws are attempting to protect, do not endorse the criminal route [84]. 'Value acceptance' is therefore not universally present. Together with the implementation gap, this, in itself, is a major obstacle for the effectiveness of the law.

Finally, the 'politics' stream is influenced by the public mood and the influence of social pressure. It is important in determining which solutions may receive attention. The public opinion regarding forced marriage is heavily influenced by the portrayal of the issue in the public arena. In some public debates, forced marriage is included as one of the perceived problems of a multicultural society [2]. European or 'western liberties', such as expressions of individual sexuality and rights to private life and family life, are portrayed as being allegedly threatened by Islamic religion and culture [4, 7, 8, 10, 11]. Moreover, highly mediated stories about forced marriage are depicted as evidence of Islamic intolerance and non-liberalism [7]. A certain fusion of Islamism and extremism, underpinning and legitimating discriminatory regulations, is observed throughout Europe. This results in forced marriage being strategically identified with Islam. Yet, while many European Muslims are affected by forced marriage, the problem is '*not exclusive to Muslim communities, nor universal within them.*' [7].

Policy choices are made when the three streams are joined together at critical times. Opportunities may occur spontaneously due to a specific event. In the case of forced marriage, two main developments may account for the current prevailing policies. Firstly, the increased scrutinization of minorities after the 9/11 attacks, and to a certain degree those in London, had a significant impact on ensuing policy. Following the terrorist attacks, most western European states became concerned that the migrants brought with them the potential for terrorism and a threat for security [4, 6]. The dream of the multicultural society was called into question. Instead there arose an acute pressure for assimilation, resulting in governments cracking down on practices that are considered a threat to Western values. Secondly, the ongoing influx of migrants is impacting on policy. Member states were driven to adopt restrictive labour migration policies following the economic downturn and deterioration in labour market conditions. With the path of 'economic migration' being closed, family reunification became one of the main ways to legally enter EU member states, which reached unseen levels [85]. These two developments combined, could explain why – despite objections – policy makers ultimately chose the route of criminalization and tighter immigration controls to tackle the problem of forced marriage. Bringing security concerns into debates on immigration provided a justifiable platform for racially motivated policy decisions [6].

Overall, the 'problem recognition' stream appears to have the greatest impact on the resulting policy measures. How the issue of forced marriage is perceived, should not be underestimated. The underlying conceptual structure, i.e. a 'harmful cultural practice' of minorities that is imported through migrants, for the most part determines the ensuing policy choices. Approaching forced marriage as a cultural problem fails to look deeper into the very nature and reason for its occurrence. Consequently, any policy choices based on this partial view of the issue inevitably do not lead to effective solutions. For example, linking immigration policy with the issue of forced marriage redirected remedial measures away from victims and legitimated the use of state power to punish and restrict [6]. Women's agency *within minorities* is effectively ignored. Yet supporting women from within their communities, which is essential for them to exercise their own will, is overlooked in favour of governments' top-down focus on regulation [18, 86, 87]. The prevailing policy discourse fails to engage with this dynamic and is at odds with the needs of those it seeks to assist [86].

The question whether or not to introduce a new law which explicitly categorises forced marriage as a crime and whether tighter immigration controls as a means to

combat forced marriages are effective, may be beside the point, at least in the viewpoint of (potential) victims. Law and public policy are treating marriage as a matter pertaining to the public interest, and not purely as a private matter. Its impact on society and the lives of those involved (spouses) legitimizes this interest, yet little or no regard is given to the health effects of victims of forced marriage and those at risk. The very nature of the 'problem recognition' stream or the way in which the issue is 'framed', could essentially be responsible for this development. The conceptualization and portrayal of forced marriage as a cultural issue acts as a barrier to appropriate intervention [20]. Victims and potential victims of forced marriage feel increasingly isolated as they feel they are not able to access mainstream service providers for fear that they might tell their families or that the providers themselves are part of their local community [40, 60, 88]. Cultural barriers also seem to prevent women from accessing support because service providers are *usually white and lacked understanding of Asian culture* [40]. The women also believe that these providers of mainstream services would offer simplistic, yet unrealistic solutions like 'leaving the family' without fully understanding the complexity of the situation [40, 66]. Health inequalities faced by minority ethnic communities are increasingly recognized [89]. Thus it is generally felt that resources should be diverted to services providing preventative and curative measures. Education and awareness-raising are proving successful in preventing the practice, and it is argued that any introduction of criminal legislation should therefore be accompanied by better programmes for professionals including teachers, medical staff, the police, justice, health and social service providers [3, 17]. Victims more often feel *heard* and supported by service providers with the same background [40, 90]. At the same time, calls are made for training in cultural diversity in the educational programmes for mainstream healthcare staff as an indispensable measure in preventing repercussions caused by problems related to honour-related family violence, such as forced marriage [44].

Consideration should be given to reframing the policy discourse on well-being and respecting women's agency. Tackling or framing the issue from the point of view of a public health concern will aid in redirecting policies, and therefore also resources, towards a victim-centred approach. Thereby it is important to engage with women and (potential) victims as agents of change. Effectively, using health services, including mental health services, as an entry point, is a way to ensure that women can access medical, legal and psychological support without arousing suspicions that could lead to more abuse. An additional advantage is that (potential) victims remain the 'driver' of the proceedings. It effectively offers a supportive framework that allows them to have control over their lives. This is in stark contrast to police-led interventions in which the police and public prosecutor have the right to charge a person who forced someone into marriage even when the victim has not asked for or consented to prosecution. A coordinated response for (potential) victims of violence against women, including forced marriages, within health facilities supports well-being, health and safety while simultaneously honouring women's agency. In order to be effective, trained frontline health care workers should be situated in local health centres, allowing for easy access in communities within which forced marriage takes place. By providing care and advice in an anonymous and confidential way, women's autonomy is safeguarded. Furthermore, links between health services and specialist care, such as shelters and organizations, will strengthen the protection for those most in need. Seeing that such a

response is embedded within existing structures makes this an appealing approach as it can be accomplished in a resource-friendly way. Additionally, by using trained health staff in local facilities allows for the problem to be approached from within the community (bottom-up), effectively counterbalancing the current heavy emphasis on top-down regulations. Policy makers are hereby challenged to embed protection in a broader policy that does not solely focus on repression.

Conclusion

Conceptualization of forced marriage as a cultural problem, imported by immigrants, has given rise to policy initiatives concentrating on repression and tightening immigration controls [2, 4–7]. Policy development appears to be marked by a generalization from individual cases of forced marriage to the marriage practices of whole minority groups [10]. As attention is placed on criminalization and stringent immigration policies, ethnic minority population groups bear the greatest burden. Not only do they suffer reduced accessibility to health providers, the potentially adverse effects of the current policy framework affects their health and well-being at large [20, 44, 65, 67]. It is argued that specific criminal laws make it more difficult for victims to come forward, while offering very little or no protection in return. The widespread 21 year age rule in immigration law has been denounced by scholars, institutes and magistrates alike for infringing on the fundamental human right to family life guaranteed by article 8 ECHR. The discourse on forced marriage appears to have reached a crossroads. European governments are faced with the challenge to create policies that protect and support victims, while simultaneously cracking down on perpetrators and safeguarding their borders from abuses in obtaining visas.

Although forced marriage gravely affects a human being's most basic rights, the response has often been lacking and failing to adequately support victims. The serious consequences for women, including sexual violence, and the physical and psychological health risks associated with it, receive little attention. Few interventions seem to be taken directly to promote the health and well-being of those affected [61, 91]. Legislative measures are, evidently, important, but the pressing need for health and support interventions are not addressed [20]. It is therefore essential to work more closely with those at risk, involving service provisions to directly support them, instead of a one-side top-down policy framework through which minority communities feel targeted and stigmatized [6, 18, 86, 87]. A coordinated response for (potential) victims of forced marriages within health facilities supports wellbeing, health and safety while simultaneously honouring women's agency. Trained frontline health care workers, situated in local community health centres, offer the advantage of being easily accessible and providing anonymous care. Policy makers throughout Europe face the challenge of reframing the discourse on forced marriage to one of focusing on wellbeing and respecting women's agency, effectively embedding protection in a broader policy.

Acknowledgments This work was supported by the Flemish Interuniversity Council (Vlaamse Interuniversitaire Raad) - Institutional University Development Cooperation [VLADOC grant 2009–04].

Conflict of interest statement There is no actual or potential conflict of interest with respect to this article.

References

1. Ertürk, Y. (2011). Foreword. In A. Gill & S. Anitha (Eds.), *Forced marriage. Introducing a social justice and human rights perspective* (pp. xi–xvi). London: Zed Books.
2. Ratia, E., & Walter, A. (2009). *International exploration on forced marriages. A literature study on legal measures, policy and public debates in Belgium, France, Germany, United Kingdom and Switzerland*. Nijmegen: Wolf Legal Publishers.
3. Felz, M., Said, I. & Triebel, K. (2009). Active against forced marriage. Hamburg: Ministry for Social and Family Affairs, Health and Consumer Protection. http://www.movisie.nl/onderwerpen/huwelijkswang/Docs/Active_Against_Forced_Marriage.pdf.
4. Razack, S. H. (2004). Imperilled Muslim women, dangerous Muslim men and civilised Europeans: legal and social responses to forced marriages. *Feminist Legal Studies*, 12(2), 129–74.
5. Enright, M. (2009). Choice, culture and the politics of belonging: the emerging law of forced and arranged marriage. *Modern Law Review*, 72(3), 331–359.
6. Gill, A., & Mitra-Kahn, T. (2012). Modernising the *other*: assessing the ideological underpinnings of the policy discourse on forced marriage in the UK. *Policy & Politics*, 40(1), 107–122.
7. Phillips, R. (2012). Interventions against forced marriage: contesting hegemonic narratives and minority practices in Europe. *Gender, Place & Culture: A Journal of Feminist Geography*, 19(1), 21–41.
8. Meetoo, V., & Mirza, H. S. (2007). There is nothing ‘honourable’ about honour killings: gender, violence and the limits of multiculturalism. *Women's Studies International Forum*, 30(3), 187–200.
9. Reddy, R. (2008). Gender, culture and the Law: approaches to ‘Honour Crimes’ in the UK. *Feminist Legal Studies*, 16, 305–321.
10. Siim, B., & Skjeie, H. (2008). Tracks, intersections and dead ends: multicultural challenges to state feminism in Denmark and Norway. *Ethnicities*, 8(3), 322–344.
11. Kool, R. (2012). Step forward, or forever hold your peace: penalising forced marriages in the Netherlands. *Netherlands Quarterly of Human Rights*, 30(4), 388–413.
12. Gangoli, G., & Chantler, K. (2009). Protecting victims of forced marriage: is age a protective factor? *Feminist Legal Studies*, 17, 267–288.
13. Kingdon, J. W. (1984). *Agendas, alternatives and public policies*. Boston and Toronto: Little, Brown and Company.
14. Zahariadis, N. (2007). The multiple streams framework: structure, limitations, prospects. In P. A. Sabatier (Ed.), *Theories of the policy process* (pp. 128–155) (pp. 65–92). Boulder: Westview Press.
15. FCO (2008). *The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage*. London: Foreign and Commonwealth Office. <http://www.fco.gov.uk/resources/en/pdf/travel-living-abroad/when-things-go-wrong/fmu-right-to-choose.pdf>.
16. Cornelissens, A., Kuppens, J., & Ferwerda, H. (2009). *Huwelijkswang. Een verbintenis voor het leven?* Den Haag: Ministerie van Justitie.
17. De Brabander, A. (2012). De strafrechtelijke en criminologische dimensie van het gedwongen huwelijk. *Masterproef Rechten Universiteit Gent, 2011–2012*.
18. Phillips, A., & Dustin, M. (2004). UK initiatives on forced marriage: regulation, dialogue and exit. *Political Studies*, 52(3), 531–551.
19. Anitha, S., & Gill, A. (2009). Coercion, consent and the forced marriage debate in the UK. *Feminist Legal Studies*, 17(2), 165–184.
20. Chantler, K. (2012). Recognition of and intervention in forced marriage as a form of violence and abuse. *Trauma, Violence & Abuse*, 13(3), 176–183.
21. Nour, N. (2009). Child marriage: a silent health and human rights issue. *Review in Obstetrics & Gynecology*, 2(1), 51–56.
22. UNICEF (2005). *Early marriage: a harmful traditional practice: a statistical exploration*. New York: United Nations Children’s Fund. http://www.unicef.org/publications/files/Early_Marriage_12.lo.pdf.
23. Gangoli, G., & McCarry, M. (2009). Child marriage or forced marriage? South Asian communities in North East England. *Children and Society*, 23(6), 418–429.
24. Hossain, S. (2011). Wayward girls and well-wisher parents: habeas corpus, women’s rights to personal liberty, consent to marriage and the Bangladeshi courts. In A. Gill & S. Anitha (Eds.), *Forced marriage. Introducing a social justice and human rights perspective* (pp. 221–240). London: Zed Books.
25. Kazimirski, A., Keogh, P., Kumari, V., Smith, R., Gowland, S., Purdon, S., & Khanum, N. (2009). *Forced marriage. Prevalence and service response*. London: National Centre for Social Research.
26. Dickson, S. (2010). *Data on Forced Marriage Protection Orders*. London: Forced Marriage Unit. <http://archive.scottish.parliament.uk/s3/committees/equal/inquiries/documents/SuzelleDickson.pdf>.

27. Neubauer, A., & Dahinden, J. (2012). *"Mariages forces" en Suisse: causes, formes et ampleur*. Bern: Office fédéral des migrations.
28. Mirbach, T., Schaak, T., & Triebl, K. (2011). *Zwangsverheiratung in Deutschland - Anzahl und Analyse van Beratungsfällen*. Hamburg: Bundesministerium für Familie, Senioren, Frauen und Jugend. http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Zwangsverheiratung-in-Deutschland-Anzahl-und-Analyse-von-Beratungsf_C3_A4llen.property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf.
29. Gill, A., & Anitha, S. (2009). Illusion of protection. Analysis of forced marriage legislation and policy in the UK. *Journal of Social Welfare & Family Law*, 31(3), 257–269.
30. Gangoli, G., Chantler, K., Hester, M., & Singleton, A. (2011). Understanding forced marriage: definitions and realities. In A. Gill & S. Anitha (Eds.), *Forced marriage. Introducing a social justice and human rights perspective* (pp. 25–45). London: Zed Books.
31. Ruiz-Pérez, I., Plazaola-Castaño, J., & Vives-Cases, C. (2007). Methodological issues in the study of violence against women. *Journal Epidemial Community Health*, 61(Suppl II), ii26–ii31. p.ii26.
32. WHO (2011). *Violence against women*. Geneva: World Health Organization, Factsheet nr. 239. <http://www.who.int/mediacentre/factsheets/fs239/en/>.
33. Koenig, M. A., Zablotska, I., Lutalo, T., Nalugoda, F., Wagman, J., & Gray, R. (2004). Coerced first intercourse and reproductive health among adolescent women in Rakai, Uganda. *International Family Planning Perspectives*, 30(4), 156–163.
34. Khawaja, M., & Hammoury, N. (2008). Coerced sexual intercourse within marriage: a clinic-based study of pregnant Palestinian refugees in Lebanon. *Journal of Midwifery & Women's Health*, 53(2), 150–154.
35. Hampton, T. (2010). Child marriage threatens Girls' health. *Journal of the American Medical Association*, 304(5), 509–510.
36. Auvert, B., Buvé, A., Ferry, B., Caraël, M., Morison, L., Lagarde, E., et al. (2001). Ecological and individual level analysis of risk factors for HIV infection in four urban populations in sub-Saharan Africa with different levels of HIV infection. *AIDS*, 15(Supplement 4), S15–S30.
37. Clark, S. (2004). Early marriage and HIV risk in Sub-Saharan Africa. *Studies in Family Planning*, 35(3), 149–160.
38. Clark, S., Bruce, J., & Dude, A. (2006). Protecting young women from HIV/AIDS: the case against child and adolescent marriage. *International Family Planning Perspectives*, 32(2), 79–88.
39. Drif, L., & Bedu, A. (2005). *Réflexion sur la problématique des mariages forces*. Paris: Mouvement Français pour le Planning Familial. http://doubleviolence.free.fr/spip/IMG/pdf/mariage_foce_MFPF.pdf.
40. Husain, M. I., Waheed, W., & Husain, N. (2006). Self-harm in British South Asian women: psychosocial correlates and strategies for prevention. *Annals of General Psychiatry*, 5, 7. doi:10.1186/1744-859X-5-7.
41. Rude-Antoine, E. (2007). Les mariages forces: Enquête sur les législations et les actions politiques en Europe. *Critique Internationale*, 34(1), 89–101.
42. Choudhry, S. (2011). Forced marriage: the European Convention on Human Rights and the Human Rights Act 1998. In A. Gill & S. Anitha (Eds.), *Forced marriage. Introducing a social justice and human rights perspective* (pp. 67–89). London: Zed Books.
43. Garcia-Moreno, C., & Watts, C. (2011). Violence against women: an urgent public health priority. *Bulletin of the World Health Organisation*, 89(2), 1–2. doi:10.2471/BLT.10.085217. last accessed 16 May 2012.
44. Alizadeh, V., Hylander, I., Kocturk, T., & Törnkvist, L. (2010). Counselling young immigrant women worried about problems related to the protection of 'family honour' - from the perspective of midwives and counsellors at youth health clinics. *Scandinavian Journal of Caring Sciences*, 24(1), 32–40.
45. Krug, E. G., Mercy, J. A., Dahlberg, L. L., & Zwi, A. B. (2002). The world report on violence and health. *Lancet*, 360(9339), 1083–1088.
46. Day, T., McKenna, K., & Bowlus, A. (2005). *The Economic Costs of Violence Against Women: An Evaluation of the Literature*. Expert brief compiled in preparation for the Secretary-General's in-depth study on all forms of violence against women. New York: United Nations. <http://www.un.org/womenwatch/daw/vaw/expert%20brief%20costs.pdf>.
47. UN Commission on the Status of Women (2007). *Forced marriage of the girl child: report of the Secretary-General*. 5 December 2007, E/CN.6/2008/4. <http://www.unhcr.org/refworld/docid/478494062.html>.
48. Chantler, K., Gangoli, G., & Hester, M. (2009). Forced marriage in the UK: Religious, cultural, economic or state violence? *Critical Social Policy*, 29(4), 587–612.
49. Norwegian Ministry of Children and Equality (2008). *Action Plan against Forced Marriage 2008–2011*. Oslo. https://www.politi.no/vedlegg/skjema/Vedlegg_673.pdf.
50. Heitzer, B., Michalek, B., & Steiner, M. (2008). *Vienna active against forced marriage*. Vienna: Expert Conference Documentation.

51. Global Justice Initiative (2012). *Denmark's forced marriage law under fire*. 04/10/2012. <http://globaljusticeinitiative.wordpress.com/2012/10/04/denmarks-forced-marriage-law-under-fire/>.
52. Mirza, S. (2012). Tvangsægteskabsbestemmelsen i straffeloven (Forced marriage provision in the criminal code). *Justitia*, 35(4), 3–47.
53. Clark, B., & Richards, C. (2008). The prevention and prohibition of forced marriages - A comparative approach. *International and Comparative Law Quarterly*, 57(3), 501–528.
54. Home Office (2011). *Forced Marriage consultation*. London. <http://www.homeoffice.gov.uk/publications/about-us/consultations/forced-marriage/forced-marriage-consultation?view=Binary>.
55. Baksi, C. (2012). Forced marriage to be criminalized. *The Law Society Gazette*, 8 June 2012. <http://www.lawgazette.co.uk/news/forced-marriage-be-criminalised>.
56. Parliamentary Assembly of the Council of Europe (2005). *Resolution 1468 on Forced Marriage and Child Marriages of the Council of Europe*, 5 October 2005.
57. Council of Europe. (2011). *Convention on preventing and combating violence against women and domestic violence*, 7 April 2011, C.E.T.S. no. 210.
58. Humanrights.ch (2012). *Massnahmen gegen Zwangsheiraten*. Informationsplattform Humanrights.ch. http://www.humanrights.ch/de/Schweiz/Inneres/Gewalt/Zwangsheirat/idart_5902-content.html?search=1.
59. Le Figaro (2012). *Vers un délit de mariage force*. 27/11/2012. <http://www.lefigaro.fr/flash-actu/2012/11/27/97001-20121127FILWWW00615-vers-un-delit-de-mariage-force.php>.
60. Swedish report: Betänkande av Utredningen om stärkt skydd mot tvångsäktenskap och barnäktenskap (Report of the inquiry on stronger protection against forced marriages and child marriages), Statens Offentliga Utredningar (Official Government Inquiry), Stockholm 2012, SOU 2012:35. <http://www.regeringen.se/content/1/c6/19/35/67/55cbc8d1.pdf>.
61. Collet, B., Philippe, C. & Santelli, E. (2008). Emergence de la question du “mariage force” dans l’espace public en France. *Revue Asylon(s)*, 5, 2/5.
62. Summermatter, S. (2012). *Forced marriage “needs to be depoliticised”*. International Service of the Swiss Broadcasting Corporation. http://www.swissinfo.ch/eng/swiss_news/Forced_marriage_needs_to_be_depoliticised.html?cid=33115126.
63. House of Commons, Home Affairs sixth report, United Kingdom, June 2008. <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/263/26316.htm>.
64. Proudman, C. R. (2011). *Forced & arranged marriage among south Asian women in England & wales. Critically examining the social & legal ramifications of criminalisation*. Saarbrücken: Lap Lambert Academic Publishing.
65. Diawara, D. & Jama, C. (2009). Une loi pénale spécifique contre le mariage forcé ? Une fausse bonne-solution. In *Voix de Femmes. Etude de faisabilité d’une Cellule d’Alerte, de Veille et d’Intervention en faveur des jeunes mineures et majeures en danger d’envoi forcé et de mariage forcé à l’étranger*, Paris: Voix de Femmes.
66. Gangoli, G., Razak, A., & McCarry, M. (2006). *Forced marriage and domestic violence among South Asian communities in North East England*. Bristol: University of Bristol.
67. Phillips, A. (2007). *Multiculturalism without culture*. Princeton: Princeton University Press.
68. Gill, A. (2011). *The viability of creating a specific forced marriage offence*. London: University of Roehampton.
69. Anitha, S., & Gill, A. (2011). Forced marriage legislation in the UK: A critique. In A. Gill & S. Anitha (Eds.), *Forced marriage. Introducing a social justice and human rights perspective* (pp. 137–157). London: Zed Books.
70. Schmidt, G. E., & Rijken, C. R. J. J. (2005). *Juridische aspecten van gedwongen huwelijken. Onderzoek voor de adviescommissie voor Vreemdelingenzaken*. Den Haag: Asser Instituut.
71. Brion, F. (2011). Using gender to shape difference: the doctrine of cultural offence and cultural defence. In S. Palidda (Ed.), *Racial criminalisation of migrants in the 21st century* (pp. 63–73). Farnham: Ashgate Publishing, Farnham.
72. Bano, S. (2011). Tackling ‘crimes of honour’: evaluating the social and legal responses for combating forced marriages in the UK. In M. Idriss & T. Abbas (Eds.), *Honour, violence, women and Islam* (pp. 201–217). London and New York: Routledge-Cavendish.
73. Eggebo, H. (2010). The problem of dependency: immigration, gender, and the welfare state. *Social Politics*, 17(3), 295–322.
74. Muller Myrdahl, E. (2010). Legislating love: Norwegian family reunification law as a racial project. *Social & Cultural Geography*, 11(2), 103–116.
75. Ruffer, G. (2011). Pushed beyond recognition? the liberality of family reunification policies in the EU. *Journal of Ethnic and Migration Studies*, 37(6), 935–951.

76. Gill, A., & Mitra-Kahn, T. (2010). Moving toward a 'Multiculturalism without Culture': constructing a victim-friendly human rights approach to forced marriage in the UK. In R. Thiara & A. Gill (Eds.), *Violence against women in South Asian communities* (pp. 128–155). London: Jessica Kingsley Publishers.
77. Report from the Commission to the European Parliament and the Council (2008) On the application of Directive 2003/86/EC on the right to family reunification. Commission of the European Communities, Brussels, 8 October. http://www.libertysecurity.org/IMG/pdf_com2008_0610en01.pdf.
78. European Commission (2011). Green paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC). Brussels, 15 November. http://ec.europa.eu/home-affairs/news/consulting_public/0023/2_EN_ACT_part1_v8.pdf.
79. Huddleston, T. (2011). *European Commission asks: When is an adult not an adult*. Migration Policy Group, Brussels, Belgium, 27 November. <http://www.mipex.eu/blog/european-commission-asks-when-is-an-adult-not-an-adult>.
80. Hester, M., Chantler, K., Gangoli, G., Devgon, J., Sharma, S., & Singleton, A. (2007). *Forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e)*. London: Home Office.
81. Home Affairs Select Committee (2011). Forced Marriage. London: Parliamentary papers. <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmhaff/880/88004.htm>.
82. Marshall, J. (2009). *Personal freedom through human rights law? autonomy, identity and integrity under the European convention on human rights*. Leiden: Martinus Nijhoff Publishers.
83. Walt, G., Shiffman, J., Schneider, H., Murray, S. F., Brugha, R., & Gilson, L. (2008). 'Doing' health policy analysis: methodological and conceptual reflections and challenges. *Health Policy and Planning*, 23(5), 308–317.
84. Ministry of Justice (2010). *Findings of the Forced Marriage IDVA Support Pilot (September 2009 – February 2010)*. London, UK. <http://www.justice.gov.uk/downloads/publications/moj/2010/forced-marriage-pilot-a.pdf>.
85. Ben-David, E. (2009). Europe's shifting immigration dynamic. *Middle East Quarterly*, 16(2), 15–24.
86. Shariff, F. (2012). Towards a transformative paradigm in the UK response to forced marriage: excavating community engagement and subjectivising agency. *Social & Legal Studies*, 21(4), 549–565.
87. Coomaraswamy, R. (2002). *Integration of the human rights of women and the gender perspective*. Report of the Special Rapporteur on violence against women, its causes and consequences, submitted in accordance with the United Nations Commission on Human Rights Resolution 2001/49, 31 January 2002, E/CN.4/2002/83. [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/42e7191fae543562c1256ba7004e963c/\\$FILE/G0210428.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/42e7191fae543562c1256ba7004e963c/$FILE/G0210428.pdf).
88. Wilson, A. (2007). The forced marriage debate and the British state. *Race & Class*, 49(1), 25–38.
89. Singh, M. K. (2011). *Forced marriage and mental health*. London: Race Equality Foundation.
90. Réseau Mariage et Migration (2011). *Actes de la journée de réflexion et d'échanges du 20 mai 2011*, Bruxelles, Belgique.
91. Wind-Cowie, M., Cheetham, P., & Gregory, T. (2012). *Ending forced marriage*. London, UK: Demos.

ELS LEYE & ALEXIA SABBE

FORCED MARRIAGE IN *An analysis of the current situation* BELGIUM

This is a publication from ICRH Global vzw



1	INTRODUCTION	6
2	METHODOLOGY	8
3	LEGAL AND POLICY FRAMEWORK ON FORCED MARRIAGES IN BELGIUM	10
3.1	Belgian legal framework on forced marriages	11
3.1.1	Civil law	11
3.1.2	Criminal law	13
3.1.3	Migration law	16
3.2	Belgian policy framework on forced marriages	19
3.2.1	National Action Plan to fight all forms of gender-related violence 2015-2019	19
3.2.2	Policy Note on 'Equal Opportunities' 2014	20
4	QUALITATIVE RESEARCH AMONG PROFESSIONALS ON FORCED MARRIAGES IN BELGIUM	21
4.1	The magnitude of the problem of forced marriage in Belgium	22
4.2	The problem with defining forced marriage and arranged marriage, and the distinction between the two	25
4.3	Characteristics of forced and arranged marriages	28
4.3.1	Some characteristics of practising communities	28
4.3.2	Decision-makers	28
4.3.3	Pressure, control and freedom of choice	29
4.3.4	Reasons for forced marriage and arranged marriage	30
4.3.5	Consequences of forced marriage	33
4.3.6	Escaping a [threat of] forced marriage and coping mechanisms	36
4.3.7	Trends	37
4.4	How forced and arranged marriages are dealt with in Belgium: characteristics of the stakeholders' work	40
4.4.1	Prevention	40
4.4.2	Protection	42
4.4.3	Provision of services	44
4.4.4	Partnerships	45
4.4.5	Policymaking	46
4.4.6	Research	46
4.4.7	Feelings of stakeholders	46
4.5	Factors increasing the risk of forced marriage	48
4.5.1	Factors associated with families and communities	48
4.5.2	Factors associated with individuals	48
4.5.3	Factors associated with service provision	49
4.5.4	Factors associated with context	49
4.6	Visions of the stakeholders on policies and laws	50
4.7	Issues in service delivery	53
4.7.1	Obstacles in working on the problem of forced marriage	53
4.7.2	Gaps influencing service delivery for [potential] victims of forced marriage	57
4.8	The link with human trafficking	60
5	RECOMMENDATIONS	61

“

*Marriage shall be
entered into only with
the free and full consent
of the intending spouses*

PREFACE

The right to marry without being compelled or forced is a democratic imperative and an unquestionable aspect of fundamental rights. For several years Belgium has demonstrated its policy against forced marriages by means of a national action plan against violence based on gender, uniting the Federal State, the Communities and Regions and coordinated by the Institute for equality of women and men. Belgium has chosen to apprehend the problem by paying special attention to prevention, notably through awareness campaigns, school-based education programs and training for professionals in multiple sectors: police, justice, health, education and social work.

In March 2015, the Institute for the equality of women and men had the pleasure to organize, in collaboration with the International Centre for Reproductive Health (ICRH) and Plan Belgium, a symposium entitled "Child marriage and forced marriage in Belgium and in Belgium's partner countries."

A study by the International Centre for Reproductive Health, presented at the symposium, highlighted that professionals feel inadequately trained, lack intercultural skills, information and practical tools to identify and recognize forced marriages, and have insufficient knowledge about action guidelines, current legislation and the rights of the victims.

Forced marriage is indeed a very complex issue. Professionals experience real difficulties in, firstly, assessing whether they are actually dealing with a forced marriage and, secondly, in supporting victims of forced marriage when a case has been identified.

In June 2015, the Institute for the equality of women and men sought to respond to these gaps by publishing a guide for professionals aiming to provide practical solutions to professionals, by improving knowledge of the phenomenon, providing tools to improve detection of forced marriages and by offering advice to support and / or refer victims adequately.

However, cases continue to be reported regularly by specialized associations and therefore require the authorities to continue their efforts to prevent such practices.

It is essential to maintain and reinforce the measures of prevention, awareness and information but also to support measures for victims to ensure effective monitoring of forced marriage situations.

Therefore, a new national action plan against violence based on gender 2015-2019 has been recently developed. It is the fruit of a long consultation process between the various concerned ministers and is based on the recommendations of civil society. It aims to pursue a coherent and coordinated policy whereby the federal state, the communities and regions work closely together to implement 235 new measures against violence based on gender, including forced marriages.

Furthermore, the imminent ratification of the Convention of the Council of Europe on preventing and combating violence against women and domestic violence by Belgium should also encourage us to intensify efforts in the fight against forced marriages.

In this context, the Institute for the equality of women and men would like to commend the quality of the work done under the MATRIFOR project and welcomes the analysis of the current situation, compiled by Professor Els Leye and Alexia Sabbe of the International Centre for Reproductive Health, on forced marriage in Belgium. This remarkable analysis helps to better visualize the current policy of our country and is, without a doubt, an invitation to make every effort to prevent forced marriages and assist those who are, unfortunately, victims.

*Liesbet Stevens,
Deputy Director of the Institute for Equality of Women and Men*

*Michel Pasteel,
Director of the Institute for the Equality of Women and Men*

November 2015

1

introduction

This report documents the results of a study on forced marriage in Belgium, in the framework of the multi-country MATRIFOR project, led by the Universitat Autònoma de Barcelona.

The MATRIFOR project is aimed at studying forced marriage as a new form of trafficking in human beings in Europe. The project ran from November 2012 to November 2015 (36 months). The study was carried out in Belgium (by the International Centre for Reproductive Health at Ghent University), Italy (by le Onde Onlus, Palermo) and Spain (by Universitat Autònoma de Barcelona). It was financed by the European Commission's 'Prevention of and Fight against Crime' programme (DG Home Affairs).

2

methodology

The methodology of the project consisted of qualitative research and combined in-depth interviews (fieldwork) with a legal analysis (desk study). The main objectives of the fieldwork were to study the characteristics of forced marriage and to study the main obstacles and difficulties in seeking legal redress in cases thereof.

Professionals from various sectors who are dealing with forced marriages were interviewed (for example, policymakers, lawyers, judges, prosecutors, police, health-service workers, social-service workers, schoolteachers, and those working for NGOs specialising in the issues of forced marriage and violence against women, and migrant women's associations).

The interviews were semi-structured. Recruitment of respondents was based on a list of possible interviewees from a former project on forced marriage, and by using the snowballing technique. Respondents were sought by contacting NGOs and agencies working in the field.

In total, 25 stakeholders were contacted between 22 August 2013 and 15 March 2014. All interviews were recorded, transcribed and analysed. All respondents signed a letter of consent and agreed that the interviews were recorded. The Ethics Committee at Ghent University also provided clearance for this study.

3

legal and policy
framework on forced
marriages in Belgium

3.1 BELGIAN LEGAL FRAMEWORK ON FORCED MARRIAGES

3.1.1 Civil law

In order to marry in Belgium, a procedure must be followed, which consists of two steps:¹ the notification of the marriage to the registrar, and the actual conclusion of the marriage.²

A marriage needs to comply with a number of basic principles of contract law, and a number of fundamental conditions, and should not be contrary to the principles of public order.³ A forced marriage can never be established in a valid manner, seeing as the fundamental requirement of free and full consent of the marriage candidates has not been established.⁴

Article 146ter of the Civil Code: "There is no marriage when it is entered into without the free consent of both spouses or if the consent of at least one of the spouses was given under violence or threat."⁵

Furthermore, to marry in Belgium, a person must have reached the age of 18 years.⁶ However, exemptions are possible. In a special procedure in the youth court, with the explicit consent of the parents, the minimum-age requirement may be reduced if there are 'serious reasons' for doing so. If parents refuse to give their consent or fail to appear, or if they are not capable of expressing their opinion, the court may nonetheless authorise the marriage if it considers the refusal to be unreasonable.⁷

Marriages of convenience, contracted for the sole purpose of obtaining a visa or residence permit for one of the parties, are closely linked to forced marriages in the Belgian public and political arena.⁸ The legal framework contains a number of measures to address these marriages of convenience.

The first regulation was introduced in 1999. The Marriage of Convenience Act of 4 May 1999⁹ makes it mandatory for civil authorities to notify the public prosecution service if there is doubt about the content or purpose of the marriage.¹⁰ Belgian law contains the principle that a marriage contracted by a person who lacks marital capacity is void.¹¹

1 Art. 63 in 64 of the Civil Code; Art. 165-167 of the Civil Code.

2 Federaal Centrum voor de analyse van de migratiestromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel. *Migratie. Jaarverslag*. [Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking. *Migration. Annual Report.*], 2013.

3 Art. 1108 of the Civil Law; Art. 144-164 of the Civil Law.

4 De Brabander, A. *De strafrechtelijke en criminologische dimensie van het gedwongen huwelijk. Masterproef van de opleiding 'Master in de rechten'* [The criminal and criminological dimension of forced marriage. Master thesis of Ms in Law]. UGent, 2012.

5 The law of 2 June 2013 replaced the word 'and' to 'or' in Art. 146ter of the Civil Code.

6 Art. 144 of the Belgian Civil Code.

7 Rude-Antoine, E. *Forced marriages in Council of Europe member states: A comparative study of legislation and political initiatives, comparison of law and political actions*. Strasbourg, Council of Europe, Directorate General of Human Rights, 2005.

8 Ratiá, E. and Walter, A. *International exploration on forced marriages: A study on legal initiatives, policies and public discussions in Belgium, France, Greece, UK and Switzerland*. 2009.

9 Act of 4 May 1999 amending certain provisions on marriage.

10 At the same time, the new law introduced a legal ground for the annulment of marriages of convenience, Art. 146bis of the Belgian Civil Code.

11 Art. 502 of the Belgian Civil Code.

Marriage of convenience is defined in Article 146bis of the Civil Code, as follows:

‘There is no marriage when, despite the formal consents to the marriage, the totality of circumstances demonstrates that at least one of the spouses does not have the intention to establish a sustainable union, but is aimed at obtaining a residence permit.’

The law foresees aggravating circumstances for those who receive a sum of money for concluding such a marriage of convenience, or who use threats or violence to force someone into such a marriage. Attempting to force someone into a marriage of convenience is also tackled by law.

Larger cities, such as Antwerp, Ghent and Kortrijk, established specialised administrative units (*cel schijnhuwelijk*) to tackle supposed marriages of convenience and forced marriages. This is further evidence of the strong link in Belgian policy between marriages of convenience and forced marriages.

The law of 2 June 2013, on marriages of convenience, introduced the concepts of ‘forced legal cohabitation’ and ‘cohabitation of convenience’ in Article 1476ter and Article 1476bis of the Civil Code, respectively:¹²

‘There is no legal cohabitation when this cohabitation was entered without free consent of both legal cohabitants or when consent of at least one of the legal cohabitants was given under violence or threats.’

‘There is no legal cohabitation when, despite the expressed will of both parties to cohabit legally, it’s apparent from a set of circumstances that the intention of at least one of the parties is aimed at obtaining a residence permit.’

In order to determine if the intended cohabitation complies with these definitions, an inquiry procedure for the civil servant of the registry office was also introduced in the Civil Code.¹³

The law of 2 June 2013 also regulates the exchange of information with a database on marriages of convenience and cohabitations of convenience, effectively enabling the exchange of relevant data between authorities. This database was created in April 2014.

12 Act of 2 June 2013 amending the Civil Code, the Law of 31 December 1851 on consulates and consular right(s) of power, the Penal Code, the Judicial Code and the Law of 15 December 1980 on access to the territory, residence, settlement and removal of foreigners, regarding the fight against marriages of convenience and cohabitations of convenience (BS 23/09/2013); Circular 6 September 2013 on Law of 2 June 2013; Circular 17 September 2013 regarding the exchange of information between civil servants of the Civil Registry and the Department of Foreigners’ Affairs regarding notification of marriage or a declaration of legal cohabitation of a foreigner in illegal or precarious residence.

13 Federaal Centrum voor de analyse van de migratiestromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel. *Migratie. Jaarverslag*. [Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking. *Migration. Annual Report.*], 2013.

3.1.2 Criminal law¹⁴

Forcing someone to marry has been a criminal offence since 25 April 2007. The Belgian specific criminal law on forced marriages entered into force on 5 May 2007. It was added as Article 391 sexies to the Criminal Code. The article reads as follows:

'He who forces someone by violence or threats to enter into a marriage shall be punished with imprisonment from one month to two years, or with a fine of one hundred to five hundred euro. The attempt is punished with imprisonment from fifteen days to one year or a fine of fifty to two hundred fifty euro.'

Article 391 sexies does not provide a definition of forced marriage. The preparatory works of parliament indicate that a marriage is a forced marriage when one or both partners are forced to consent to the marriage by family or third persons.¹⁵ According to the Belgian law of 25 April 2007, a forced marriage can be annulled if it was not entered into freely by either one of the spouses, or if it was contracted under the influence of violence or threat.¹⁶ One of the two spouses or the public prosecution service can initiate proceedings.¹⁷

The law of 2 June 2013, as aforementioned, also amended the penal code by augmenting the penalties for forced marriage and marriage/cohabitation of convenience. In addition, it altered the role of the criminal judge. From that date onwards, the judge has had the capacity to annul a marriage or cohabitation of convenience.¹⁸ Table 2 provides an overview of the changes in penalties.

14 This piece is adapted from: Ratia, E. and Walter, A. *International exploration on forced marriages: A study on legal initiatives, policies and public discussions in Belgium, France, Greece, UK and Switzerland*. 2009.

15 De Brabander, A. *De strafrechtelijke en criminologische dimensie van het gedwongen huwelijk. Masterproef van de opleiding 'Master in de rechten' [The criminal and criminological dimension of forced marriage. Master thesis of Ms in Law]*. UGent, 2012.

16 Art. 146ter of the Belgian Civil Code.

17 Rude-Antoine, E. *Forced marriages in Council of Europe member states: A comparative study of legislation and political initiatives, comparison of law and political actions*. Strasbourg, Council of Europe, Directorate General of Human Rights, 2005.

18 Federaal Centrum voor de analyse van de migratiestromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel. *Migratie. Jaarverslag*. [Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking. *Migration. Annual Report.*], 2013.

OLD LAW	NEW LAW	OLD LAW	NEW LAW
Forced marriage		Forced legal cohabitation	
1 month-2 years OR 100€-500€	3 months-5 years AND 250€-5000€	-	3 months-5 years AND 250€-5000€
15 days-1 year OR 50€-250€	2 months-3 years AND 125€-2500€	-	2 months-3 years AND 125€-2500€
Marriage of convenience		Cohabitations of convenience	
8 days-3 months OR 26€-100€	1 month-3 years AND 50€-500€	-	1 month-3 years AND 50€-500€
26€-50€	15 days-1 year AND 26€-250€	-	15 days-1 year AND 26€-250€
Marriage of convenience with payment of a sum of money		Cohabitations of convenience with payment of a sum of money	
15 days-1 year OR 50€-250€	2 months-4 years AND 100€-2500€	-	2 months-4 years AND 100€-2500€
8 days-6 months OR 26€-125€	1 month-2 years AND 50€-1250€	-	1 month-2 years AND 50€-1250€
Forced marriage of convenience		Forced cohabitation of convenience	
1 month-2 years OR 100€-500€	3 months-5 years AND 250€-5000€	-	3 months-5 years AND 250€-5000€
15 days-1 year OR 50€-250€	2 months-3 years AND 125€-2500€	-	2 months-3 years AND 125€-2500€

As shown in the table above,¹⁹ this new law substantially increased the punishments for marriages of convenience and forced marriages.

Since 2009, there has been a specific indictment code for forced marriages in the database of the correctional chambers of the Court of First Instance. According to the figures, 12 cases of forced marriage were registered by the prosecution services in 2010, and 15 cases in 2011. There is also a specific police code for this offence. Police crime statistics reveal 13 complaints of forced marriage (11 actual cases and two attempts) in 2010. Improved awareness among victims and enhanced detection by professionals will probably result in increasing numbers of complaints.²⁰

19 Table presented at 'Studiedag Nieuwe Regelingen betreffende Schijnhuwelijken, Dienst Vreemdelingenzaken'. [The New Regulations Regarding Marriages of Convenience] study day. Department of Foreigners' Affairs] organised by Vanden Broele (n.d.).

20 Committee on the Elimination of Discrimination against Women (2 October 2012) Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Seventh periodic reports of States parties due in 2012 Belgium. [Online]. Available: <http://daccess-dds-ny.un.org/doc/undoc/gen/g13/412/58/pdf/g1341258.pdf?openelement> [24 Nov 2014].

As early as 2005, Belgium adopted a law making trafficking in human beings a specific criminal offence. The law of August 10th, 2005, established a new chapter on human trafficking in the criminal code. Human Trafficking is defined as follows in Art 433quinquies of the Criminal Code:

“Trafficking in human beings is constituted by the act of recruiting, transporting, transferring, harbouring or receiving a person, or taking or transferring control exercised over that person. :

- 1) For the purpose of exploitation of prostitution or other forms of sexual exploitation;
- 2) For the purpose of exploitation of begging;
- 3) For the purpose of work or services in conditions contrary to human dignity;
- 4) For the purpose of organ removal in violation of the law of June 13 1986 regarding the removal and transplantation of organs, or removal of tissues or human corporal material in violation of the law of December 19 2008 regarding the procurement and use of human corporal material on the removal and transplantation of organs for medical or scientific research purposes;
- 5) or for the purpose of making that person commit a crime or misdemeanour against his/her will.”

The law of 2 June 2013 changed the terminology of Art 433 quinquies to incorporate ‘taking control’ over a person. This makes it possible to more effectively target actions such as buying and illegal adoption of the control over a person in the framework of a forced marriage.²¹ The purposes of exploitation were also expanded/clarified, for example, sexual exploitation, which now includes sexual slavery. In addition, a specific reference is made to services regarding exploitation through labour.

In its 2013 annual report, the Federal Centre for the Analysis of Migration Flows obtained knowledge of the practical application of provisions on human trafficking relating to child marriage. It involved a case of a customary marriage of two minors, in which the girl was younger than 16. The case was brought before the Criminal Court of Verviers.²²

In this case, the parents of these minors were prosecuted, among others, for trafficking for sexual exploitation, rape, and violation of integrity with violence and threats.

The two families wanted to establish a love relationship between their children. The parents of the young man handed over a sum of money to the parents of the young girl. That amount was dependent on whether the girl was a virgin or not, as tradition dictates. A celebration was held, after which the minors had sexual relations. The young girl also moved into the family home of the young man. She had to perform household chores, so she was often absent from school.

21 Parl. St., Kamer. *Amendment to the proposal of law to alter article 433 quinquies of the Criminal Code with the aim of clarifying and expanding the definition of human trafficking for sexual exploitation* (Doc 53 2607/002). (n.d.).

22 Verviers Criminal Court. 30 January 2014. 11th K. (definitive).

The court considered the charges of rape and violation of integrity by the co-perpetrators (the parents) as well founded,²³ even though they did not commit the act(s) themselves, and even though they were not present during the act. The parents had established the relationship of their children and had organised an event that led to sexual relations. By establishing a framework and by wanting to comply with tradition, the court ruled that the parents had done everything so that the young man would not hesitate, and was even encouraged to violate, the chastity and virginity of the young girl.

As for the trafficking of human beings, the court assumed that there had indeed been a transfer of control of the minor girl, in order to facilitate rape and violation of integrity with violence and threats. The transfer of authority was apparent, both from the handover of the money, as well as from the 'removal' of the minor to the family of the young man. Moreover, all defendants were aware that the ceremony that was organised would lead to sexual relations between the children.²⁴

3.1.3 Migration law²⁵

The Belgian migration legislation is described in the Aliens Act of December 1980 and the Royal Decree of 8 October 1981.²⁶ The Aliens Act has been amended several times in recent years, with the aim of preventing forced marriages and marriages of convenience.²⁷ These changes were necessary to 'follow the evolution of migration politics and to adapt Belgian legislation in order to comply with directives of the European Union, and various international binding treaties (for example, Schengen or Dublin)'.²⁸

-
- 23 According to Art. 66 of the Criminal Code, perpetrators of an offence or crime are 'those who have committed the offence or crime or who collaborated directly to commit it; those who have – by any act to commit – provided support so that the crime or the offence could not have taken place otherwise'.
 - 24 Federal Centre for the Analysis of Migration Flows, the Protection of Fundamental Rights of Foreigners and the Fight against Human Trafficking (2014) *Annual Report Human Trafficking 2013*, [Online], Available: <http://www.diversitybelgium.be/annual-report-human-trafficking-2013> [26 Nov 2015].
 - 25 De Brabander, A. *De strafrechtelijke en criminologische dimensie van het geduongen huwelijk. Masterproef van de opleiding 'Master in de rechten'* [The criminal and criminological dimension of forced marriage. Master thesis of Ms in Law]. UGent, 2012.
 - 26 Law of 15 December 1980 on access to the territory, residence, settlement and removal of aliens (Aliens Act); Royal Decree of 8 October 1981 on access to the territory, residence, settlement and expulsion of aliens.
 - 27 Act of 15 September 2006 amending the Law of 15 December 1980 on access to the territory, residence, settlement and removal of aliens, BS 6 October 2006; Act of 25 April 2007 amending the Law of 15 December 1980 on access to the territory, residence, settlement and removal of aliens, BS 10 May 2007; Act of 8 July 2011 amending the Law of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners as regards the conditions for family reunification, BS 12 September 2011 (this law entered into force on 22 September 2011); Act of 2 June 2013 amending the Civil Code, the law of 31 December 1851 regarding the consulates and consular power of justice, the Penal Code, the Judiciary Code and the law of 15 December 1980 regarding access to the territory, residence, settlement and removal of foreigners, regarding the fight against marriages of convenience and cohabitations of convenience, BS, 23 September 2013.
 - 28 *Activiteitenrapport (2013) Dienst Vreemdelingenzaken: FOD Binnenlandse Zaken*, [Annual Report 2013. Department Foreigners' Affairs Federal Public Service Internal Affairs], [Online], Available: https://dofi.ibz.be/sites/dvzoe/nl/documents/2013_nl.pdf [26 Nov 2015].

Most notably, the rules for marriage migration have been made stricter, especially by the law of 15 September 2006. Belgium was spurred on by Directive 2003/86/EC²⁹ and indirectly influenced by several other member states (especially the Netherlands, Austria and Germany).³⁰

The rules regarding family-reunification³¹ and family-forming³² migration were tightened. The increase of the minimum age from 18 to 21 years, for both a sponsor and a spouse entering the country, is an important element. Additionally, the control period was extended to three years, so it takes three years to obtain a final residence permit. This entails that if you divorce within that period, the temporary residence permit is withdrawn.

The law of 8 July 2011 introduced stricter requirements with the aim of preventing future abuses: a minimum income requirement (120% of the minimum subsistence allowance³³), housing requirements (elementary quality conditions with regards to safety, health and living arrangements) and health insurance.³⁴ The rules do differ slightly depending on whether the person entitled to family reunification is a Belgian, an EU citizen, or a third-country national. Since the changes in the law were introduced, the number of refusals of family-reunification residence permits has decreased substantially.

-
- 29 Directive 2003/86/EC, aimed at harmonising immigration policies throughout Europe, has given shape to today's landscape. The directive expressly offers the possibility to adopt rules that limit the right to family reunification and states that 'in order to ensure better integration and to prevent forced marriages, Member States may require the sponsor and his/her spouse to be of a minimum age, and at maximum 21 years old, before the spouse is able to join him/her'.
- 30 Ratia, E. and Walter, A. *International exploration on forced marriages: A study on legal initiatives, policies and public discussions in Belgium, France, Greece, UK and Switzerland*. 2009.
- 31 In the context of marriage migration, it presupposes the existence of a partnership (spouse or equivalent partner, legally registered partner). On the basis of this partnership, the non-resident partner acquires the residence permit in Belgium through the procedure for family reunification. See: Desmet, G., Leys, D. and Ronsijn, W. *Partnarmigratie van derdelanders naar Vlaanderen en Brussel. Een kwantitatieve en kwalitatieve studie. Vlaamse Overheid en Europees Integratie Fonds. [Partnarmigration of third country national to Flandes and Brussels. A quantitative and qualitative study, Flemish Government and European Integration Fund]* 2011.
- 32 When a foreigner comes to Belgium with the aim of entering into a marriage or to conclude a legal partnership, the term 'family formation' is used. There is as yet no formal link between the two people. At this point, Immigration Services will check if there are any indications that the union is forced or that it is a marriage of convenience. After consummation of the marriage or the conclusion of the legal cohabitation, the reunification process starts. The rules and requirements for family reunification then also apply to the case of 'family formation'. See: Desmet et al. *Partnarmigratie van derdelanders naar Vlaanderen en Brussel. Een kwantitatieve en kwalitatieve studie. Vlaamse Overheid en Europees Integratie Fonds. [Partnarmigration of third country nationals to Flandes and Brussels. A quantitative and qualitative study. Flemish Government and European Integration Fund]* 2011.
- 33 € 1,307 per month (September 2013) [Online], Available: <http://www.kruispuntmi.be> [17 Jul 2014].
- 34 De Brabander, A. *De strafrechtelijke en criminologische dimensie van het gedwongen huwelijk. Masterproef van de opleiding 'Master in de rechten' [The criminal and criminological dimension of forced marriage. Master thesis of Ms in Law]*. UGent, 2012.

In its 2013 annual report, the Department of Foreign Affairs explains the decrease in refusals as follows:

'This is due to the new requirement for the person who wants to reunify the family: he/she has to prove that he/she has stable, regular and sufficient means of income. Many of these "family-reunifiers" have work that is not stable, have insufficient income, or receive a minimal allowance or unemployment allowance without actively seeking a job.'

The Department also noted that abuses of the law occur. Examples of these abuses are: providing false salary slips, false declarations of fatherhood, or situations in which the foreigner has substantial income but the family-reunifier lives in social housing, or scenarios in which the wife receives social assistance/support, but the husband proves to have an income from a shop abroad.³⁵

The law provides protection for victims of intrafamilial violence. If you are a victim of severe violence, for example, rape and intentional injuries,³⁶ your residence permit is not terminated. Strong evidence is required, but there is no need for the perpetrator to be prosecuted or sentenced. In the case of severe psychological violence, the regulations are even stricter. More evidence is required over a longer period of time than required in the case of mere physical violence. The same conditions apply as with the three-year control period (job or minimum-income requirement, housing, health insurance).

In addition, there are a number of bilateral employment agreements with Morocco, Algeria, Tunisia, Turkey and countries that have emerged from the former Yugoslavia. These agreements have a direct effect from which certain obligations are derived. A standard article in these agreements establishes the following:

'The workers [who] are employed and reside in Belgium may be joined by their families once they have worked for three months, provided that they have decent housing for their families (spouse and dependent minor children).'

Spouses from these states do not have to reach the age of 18 years. However, since 2010, Immigration Services systematically ignore these bilateral agreements by, for example, applying the stricter minimum-age conditions. Immigration Services justified this by referring to jurisprudence of the Council for Immigration Disputes. Nevertheless, the law of 8 July 2011 has confirmed this practice, providing a legal ground for Immigration Services' procedures.

35 Activiteitenrapport (2013) Dienst Vreemdelingenzaken: FOD Binnenlandse Zaken, [Activity Report 2013, Department Foreigners' Affairs, Federal Public Service Internal Affairs] [Online], Available: https://dofi.ibz.be/sites/dvzoe/nl/documents/2013_nl.pdf [26 Nov 2015].

36 Art. 375, 398-400, 402, 403, 405 of the Criminal Code.

3.2 BELGIAN POLICY FRAMEWORK ON FORCED MARRIAGES

3.2.1 National Action Plan to fight all forms of gender-related violence 2015-2019³⁷

This is the fifth action plan on gender-related violence, and was launched in November 2015. This Action Plan is in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

The Action Plan 2015-2019 focuses on partner violence, female genital mutilation, forced marriage, (so called) honour related violence and sexual violence.

The Plan has six objectives:

- To have an integrated policy regarding the fight against gender-related violence and to collect quantitative and qualitative data regarding all forms of violence;
- To prevent violence;
- To protect and support victims;
- To study, continue and adopt protection measures;
- To take into account the gender dimension of the asylum and migration policy;
- To combat violence at international level.

The main guidelines for the national action plan are as follows:

- The expansion and improvement of quality legislation and regulations designed to protect the victims and detection and punishment of the perpetrators;
- The expansion and improvement of the registration and gender statistics;
- Greater attention to a victim-focused, multidisciplinary and integral, holistic approach (the victim and his environment, as well as the children who are exposed to violence);
- Ensuring the protection of victims and a focused outreach approach to people who do not use – for various reasons – existing structures and services;
- More attention to the fight against sexual violence;
- More involvement of new partners (media, private companies, youth associations) and new departments;
- More emphasis on early detection and risk factors;
- Greater attention to primary prevention in collaboration with education;
- More focus on training professionals.

37 Stop Geweld. Nationaal Actieplan ter bestrijding van alle vormen van gendergerelateerd geweld 2015-2019. (Stop Violence. National Action Plan to fight all forms of gender-related violence 2015-2019). https://www.n-va.be/sites/default/files/documents/PDF/persdossier_nationaal_actieplan_ter_bestrijding_van_alle_vormen_van_gendergerelateerd_geweld.pdf

3.2.2 Policy Note on ‘Equal Opportunities’ 2014³⁸

The Policy Note of the Minister for Equal Opportunities in 2014, Joëlle Milquet, tackles the subject of forced marriage. In the framework of the strategy to improve equality between men and women, the note mentions that the Minister for Equal Opportunities has taken on several initiatives:

- The new law of 2 June 2013, as aforementioned, on marriages and cohabitation of convenience, was developed and adopted (published in Belgian Official Gazette [Belgisch Staatsblad] on 23 September 2013).
- The funding of a study in collaboration with the Brussels Capital Region on forced marriage, published in 2013. The study was aimed at contributing to a better understanding of the phenomenon.
- The organisation of specific training for civil servants in registry offices, on forced marriage and its warning signs (November 2013).
- Consulates were sensitised regarding the possibility of refusing to issue a consular certificate in case of warning signs of a forced marriage.
- Police services dealing with forced marriages should receive training.
- Together with the Secretary of State for Asylum and Migration and the Ministry of Justice, the Minister for Equal Opportunities launched a sensitisation campaign in the autumn of 2013, for the broader public, on forced marriage and marriage of convenience. It is called ‘Wees geen slachtoffer van een schijn of gedwongen huwelijk [Don’t be a victim of a forced marriage or a marriage of convenience] and consists of a website (www.schijnrelatie.be), a short movie of three minutes (www.ibz.be/schijnhuwelijk/#film) and a 30-second television advertisement on forced marriages and marriages of convenience.

38 Belgische Kamer van Volksvertegenwoordigers. *Algemene Beleidsnota Gelijke Kansen* [General Policy Note Equal Opportunities] (Doc 53 3096/011). 6 November 2013.

4

qualitative research
among professionals
on forced marriages
in belgium

4.1 THE MAGNITUDE OF THE PROBLEM OF FORCED MARRIAGE IN BELGIUM

This chapter explores interview responses regarding available data on the occurrence of forced marriages in Belgium, supplemented by figures provided in previous studies on this subject.

There are no prevalence figures on forced marriages available in Belgium. This was confirmed by some of the respondents. In the past, some attempts were made to grasp the magnitude of the problem of forced marriages in Belgium, but these are limited to specific geographic areas, and/or specific ethnic communities.³⁹ Given that these studies have methodological shortcomings (different population groups, using different methods, etc.), no conclusions can be made regarding the total number of victims, or potential victims, of forced marriage in Belgium. As a result, trends over time are impossible to assess.

Seeing that forced marriages are recognised as a specific crime in the Criminal Code since 2007, data on forced marriages in the judicial system should be registered.⁴⁰

However, one respondent said that cases registered in the judicial system were few:

'Normally, reports to the police are in the database of the police. With respect to the public prosecutors, there is a database of the College of Prosecutors. That is for all criminal offences, as forced marriage is in the Criminal Code, so there are two different databases – they are not identical. Normally, cases should be quite easy to retrieve since 2007 (when the law on forced marriage was adopted), provided that they are coded appropriately. [...] It's true that we did not have many cases, and it might be interesting to see why.'

NGOs and other organisations that work on forced marriage and keep records of their interventions relating to this subject indicate that forced marriage is (highly) present in their area of work.

A project in Mons, the Honour-Related Violence (and) Forced-Marriage Project, a collaboration between the victims' assistance unit of the police and an NGO, has kept records of cases of forced marriage since its creation in 2011. It indicates that since 2011, it has dealt with 20 cases of forced marriage, with nine of those in 2013. The respondents also said that in 2013, cases were reported either directly to the police, by a friend, public social welfare centres, or schools.

39 See, for example: Surkyn, J. *Het gezins- en waardenonderzoek bij Turkse en Marokkaanse vrouwen in Vlaanderen en Brussel*, Working Paper. *Etnische Minderheden in België [Study on family and values among Turkish and Moroccan women in Flanders and Belgium]* VUB & UGent, 1991 (nr. 3, 17). Zenni, S., Casier, M. and Peene, N. *Studie naar de factoren die de vrijheid van keuze van een echtgenoot beperken, bij bevolkingsgroepen van vreemde oorsprong van België.* [Study on determinants limiting the choice of a spouse, in population groups of foreign origin of Belgium] Gent/Brussel: UGent/Centrum voor gelijkheid van kansen en racismebestrijding, 2006. Descheemaker, L., Heyse, P., Wets, J., Clycq, N. and Timmerman, C. *Partnerkeuze en huwelijksluiting van Allochtone mannen. Een kwantitatieve en kwalitatieve analyse van het partnerkeuzeproces en het huwelijk van Marokkaanse, Turkse en sikhmannen [Partner choice and marriages of foreign men A quantitative and qualitative analysis of the partner choice process and the marriage of Moroccan, Turkish and Sikh men]*. Instituut voor de Gelijkheid van Vrouwen en Mannen, Brussels, 2009. Rea, A. and Bensaïd, N. *Rapport relatif à l'étude portant sur les mariages forcés en région de Bruxelles-Capitale. [Report regarding the study on forced marriage in the Brussels Capital Region]* Université Libre de Bruxelles, 2012.

40 These figures have been requested, but have not been received.

A survey conducted in a school in Mons in 2007 also demonstrates that forced marriage is a reality for more than a quarter of its students:

'I have done a survey in [a school for nurses]. Of 260 students, there were 27% who had heard about forced marriage in the family or among friends. It's enormous.'

An NGO employee working with migrant women in Brussels stated that she personally dealt with ten cases of forced marriage in 2013. At the same time, she was also providing advice and taking phone calls on forced marriage, which are not registered. This respondent also indicated that many cases of forced marriages are not registered as such, but are registered as partner violence or intrafamilial violence:

'I receive a lot of telephone calls and a lot of requests for advice on this issue. Some are referred to other organisations and some don't go further, but I cannot always follow up on these situations. [...] Most probably, there are many more cases than the figures actually reflect. What we also witness is that many young girls do not go all the way once they've initiated something – they are too afraid. Some withdraw, some don't know, so we are also somewhat powerless, but what I see is that many cases of forced marriage are not registered as such, as they are often registered under something else. They decide to register it as intrafamilial violence, and not as forced marriage.'

The support team for refugees in one city indicated that it has five to ten cases a year, whereas one NGO (not providing first-line care) indicated that it received five calls regarding 'dramatic forced marriage' situations over a period of four years.

A number of respondents indicated that what is registered as forced marriage is only the tip of the iceberg, and that the issue is underreported.

'Weekly, we have someone who is threatened to marry and who has to deal with partner violence as a consequence. [...] I believe it is much more prevalent than we all think, but that is just the same as with partner violence – it occurs much more than we know. [...] I'm convinced we only see a minority of the victims in our service.'

In 2013, a shelter for abused women registered two child marriages, six arranged marriages, one forced marriage and one threat of forced marriage. In 2012, 26 of the 57 women in the shelter were in arranged marriages. Issues relating to arranged marriage seem to be more common than forced marriage. This was indicated by one respondent, who stated that forced marriage is not as prevalent as arranged marriage, for example, there are ten cases of forced marriage compared to 30 cases of arranged marriage per year. Another respondent indicated that in his/her centre for general welfare, s/he mostly encounters arranged marriages:

'I do not really have a percentage on the people we help with forced or arranged marriage. Arranged marriages are many – about 60% – but people have no problem with this, so service delivery is not necessary here.'

Respondents working with the Roma community indicated that most marriages concluded therein are arranged, and all of them are child marriages. For example, out of the 60 families that these respondents monitor, five families had an imported bride who was also a minor.

Respondents confirmed that forced marriage is rare:

Most marriages in the Roma community are arranged marriages. [...] In one year, I did not receive any requests to help people with forced marriages, but after they married, I heard that the spouses had not been informed about the upcoming marriage.'

Finally, a special unit on forced marriage in a Brussels neighbourhood witnessed a small increase in the number of victims and explained why the number of complaints to the police remains low:

'I've been with the police for 15 years, and in the past six years I've been working for the forced-marriage unit in an area in Brussels. In the beginning, I never heard of forced marriage. To me, it was something far off. It all began with the complaint of one girl, and I started to broaden my knowledge on it. I asked permission from my boss to start a special unit, and that's how it began. In the beginning, I had one complaint. Now we have about eight [people] who've filed a complaint – not very many, I know, but we have to start somewhere. [...] A lot of these forced marriages are categorised as marriages of convenience, intrafamilial violence, etc. That is the easiest thing. Forced marriages are considered a "dirty thing" for many, so we support organisations, other police services, lawyers, victims, etc.'

4.2 THE PROBLEM WITH DEFINING FORCED MARRIAGE AND ARRANGED MARRIAGE, AND THE DISTINCTION BETWEEN THE TWO

This section shares the insights of respondents with regard to defining and classifying forced marriage and arranged marriage.

Not many respondents have a definition of forced marriage on which they can rely when working with the people affected, except for those working in the juridical sector and policymakers, as they refer to the definition as stipulated in the law:

'Well, I'm employed by the police, so I cannot but follow the law when it comes to the definition, and in the Criminal Code, Article 391 sexies, a specific criminalisation was added in 2007 on forced marriages, which says [respondent cites the law literally, as aforementioned].'

Some respondents consider child marriage, i.e. concluded under the age of 18 years, as forced because it involves a child, while others believe that minors can effectively consent to marriage. In the case of child marriage, some respondents thought it was easier to intervene:

'In our family-planning centre, you have to determine what [the marriage] is based on – the history, on what people tell you, if it is or is not problematic. If it is problematic, we intervene. If it is not, we do not intervene, and for marriage among minors, we have the law. The law says it is 18 years, be it in Belgium or in the country of origin, so a marriage concluded before 18, for us, is an illegal marriage. So we can intervene.'

However, in day-to-day practice, defining a forced marriage can be problematic. Making a clear distinction between arranged marriages (not illegal) and forced marriages (illegal) is not always easy, and it is more complex than what is defined by law:

'For me, it is difficult to draw the line between what is forced and what is not, to put a finger on it, because the issue of loyalty is very strong, and youngsters are very susceptible to this, as well as adults. Sometimes, people – at the beginning of the therapy [session] – will tell me that they chose their partner freely, but further on in the process of therapy, people say that actually, they were promised as children to be married by their parents. It was a promise. So this comes up after half a year of therapy, otherwise, no one would have known that the marriage was actually forced. This is sometimes difficult to discover.'

Those working with people affected by forced marriage stipulate that, in order to define the problem, the victim's story is key:

'Definitions have their limitations. What is important for me is to listen to the person who is coming to us, to understand his/her demands. Maybe we will find ourselves within the strict interpretation of the law, or maybe not, but if for that person this is a burden [...] then we will try to see together what can be done.'

Arranged marriages are not necessarily perceived as problematic. Respondents mentioned that often youngsters agree with the choice made by their parents (or others), as they trust their judgment:

'It's a thin line, and there is no guarantee that a marriage will succeed or not. I have met a lot of youngsters who were very grateful because their marriage was arranged because, for them, it meant that their family – father, mother, uncle, aunt – was taking care of them. They feel supported in this because they are often also vulnerable and think that they would not have taken any steps to find a partner, as this is very difficult for them.'

Respondents alluded to indicators that can assist in defining whether or not a marriage is forced. These include:

- If a person has no choice, is imported, has no social network, and/or is isolated:
'For me, a forced marriage is when people are obliged to marry, if they have no choice of their own, who are often imported here, who have no social network whatsoever, and who have to live with the family of the partner with whom they are married, and they find themselves totally isolated here.'
- If the person who marries is harmed in any way:
'I work in a private practice, on my own, so I do not have an official definition. For me, I always look at it from the angle, "What is the possible damage to that person?" So, for me, there can already be a forced marriage when pressure is put on a person, if they say, "It's time you get married." For me, that is already a forced marriage.'
- If girls or boys are sold:
'[In order to define it] I'm going to use a very ugly word, but it is a result of our experience, and that is that girls or boys are sold – because boys are equally involved in a marriage. That is how we have often described it among teachers and colleagues. As a consequence, sometimes girls themselves admitted that they are sold. I see it as a bargain that is concluded.'
- If one of the two persons was forced and put under pressure, be it physical or psychological.

An important element mentioned by many respondents, was that forced and arranged marriages are situated in a spectrum of differing levels of consent, pressure and negotiation space. This continuum can range from absolutely no freedom of choice in refusing the proposed marriage partner (forced), to negotiating the possibilities of partners who are suggested (strongly arranged), to a marriage where both partners consent to the partner who is proposed to them (a fully consented arranged marriage).

Another striking finding from the interviews is that victims' perceptions of their marriage can evolve over time. It might be that an individual has agreed to a marriage in order to be able to migrate, but once in Belgium, the marriage is not what s/he expected or does not turn out to be good (for example, due to violence or the threat of violence in that marriage):

'Some will say, years later, and especially when the marriage is not very good, that they were actually not free, that they were forced, but that they, at the moment of marrying, did not feel it that way. So the perception on what is forced and what is not changes over time due to the positive and negative experiences of that person.'

Some other forms of marriage were also mentioned. One respondent mentioned a particular form of arranged marriage, the 'hasty marriage', concluded when migrants return to their countries of origin for their holidays:

'During holidays, when people with a migrant background return to their countries, to Turkey, to Morocco, youngsters are presented to each other – young boys that live over there, the young girl from here, or the other way around – and this marriage is, generally speaking, concluded very quickly. During the holiday, the meeting is set up, a party is organised, and then the marriage is concluded and a young girl or young boy arrives in Brussels. This is not a forced marriage, it's an arranged marriage [...] but it is a marriage that is not concluded on a solid basis, as the youngsters did not have the time to get to

know each other, and the young boy or girl does not know the life in Brussels. So this marriage very often becomes problematic afterwards, but initially, we cannot qualify it as a forced marriage.'

Another issue that was raised in defining the character of the marriage was the problem of determining if it is a marriage of convenience:

'Marriages of convenience are equally the subject of the Criminal Code, but the categories are blurry, and there is a problem with finding proof.'

One respondent noted that there is a difference in defining forced marriage in Belgium. In Wallonia, forced marriage is regarded as a concept on its own, whereas in Flanders, forced marriage is more often defined as honour-related violence:

'It's a bit difficult to distinguish between forced marriages and honour-related violence. It's true that at policy level, in Flanders, honour-related violence is much more talked about, whereas in the francophone part, people mainly talk about forced marriages, and not so much about honour-related violence, but anyway, dealing with the phenomena is a bit the same.'

One respondent stipulated that it should be taken into consideration that as norms regarding marriage differ in other parts of the world, it is important not to stigmatise communities when trying to define the problem. In this respect, another respondent stated:

'Violence should be punished, but what do you do with definitions that are not OK, or that threaten to exclude people or stigmatise them or criminalise them? It's difficult [...] and I do not have an answer readily available.'

We also asked respondents if they saw forced marriage as a form of gender-related violence or, rather, as interpersonal violence. Some respondents saw it as a form of gender-based violence, while others classified it as interpersonal violence, or believed it was both:

'It is not either gender-based violence or interpersonal violence, it's both. It is not purely gender related, as boys and men are [also] affected, but the interpersonal aspects, the expectations of the environment, and the responsibility for the education of children that is put on mothers makes mothers encourage and discourage certain relationships.'

One respondent mentioned that forced marriage should be considered from different angles, as it is an issue of migration, as well as a gender issue and a sociocultural issue, and s/he suggested using the intersectionality perspective:⁴¹

*'I consider forced marriages as both gender violence and interpersonal violence, definitely when you look at it from an intersectionality perspective. [...] In the so-called "white" women's organisations, gender is often prioritised, but gender affects migrant women differently than "white" women. It is very important to take into consideration the different ordering principles, and those principles will define the position of each on those axes differently.'*⁴²

41 This concept interlinks several aspects of an individual, including gender, ethnicity, racism and discrimination, social division and inequalities, and could be useful in capturing the complexity and diversity of forced marriage, and could help in better translating issues related to forced marriage, to policy and recommendations for service provision.

42 Respondent refers to two axes: the gender axis and the ethnicity axis.

4.3 CHARACTERISTICS OF FORCED AND ARRANGED MARRIAGES⁴³

This section examines stakeholders' perspectives on the characteristics of forced and arranged marriages.

4.3.1 Some characteristics of practising communities

We asked about the **ethnicities** that professionals encounter when it comes to issues relating to forced and arranged marriages. These communities are comprised of Afghan, Albanese, Algerian, Armenian, Bangladeshi, Belgian, Bulgarian Turkish, Chechen, Chinese, Indian, Italian, Kosovan (Roma), Kurdish, Lebanese, Maghrebini, Moroccan, Pakistani, Roma, Russian, Serbian, Sicilian, Thai, Tunisian and Turkish ethnic minorities.

When it comes to **gender**, some professionals mentioned that both boys and girls could be confronted with forced and arranged marriages, while others stated that only girls are forced into marriage. It was, however, mentioned several times that the situation for boys is different than that of girls:

'Especially for men, other things apply. Men have more freedom of choice, they have more rights. More is tolerated from men than from women, so often the women have less freedom of choice.'

With regard to **age**, one respondent noted that girls are sometimes married at 16 or 17 in their countries of origin, and are then brought to Belgium with false documents:

'I had some cases of child marriages, but often papers are falsified so that people appear to be adults when they come here, for example, when the birth certificate has been changed: they were 16 or 14 when they married in countries of origin, but come here under another date of birth.'

The marriage of minors was referred to in Roma and Afghan communities. A respondent detailed that within Roma communities, 18 is already too old to get married. A girl's 'value' decreases with age. When she is 18 and not yet married, the bride price decreases, according to one of the respondents. In addition, it was revealed that girls in Roma communities are engaged as young as ten to 13 years, followed by marriage at 13 or 14 years.

4.3.2 Decision-makers

In most cases, respondents mentioned that the family, and particularly the parents, were the main 'matchmakers'. One respondent mentioned that mothers play a key role in this:

'If your principal role in life is being a mother, and you have no job or some kind of career, you only have household chores, and your responsibility is the education of the children, then this will be tightly linked with your own identity and your own well-being. And if you are judged on that by your community [...] I think it is something very difficult, on a psychological level, for mothers. It makes them very vulnerable.'

43 As mentioned earlier by respondents, it is difficult to draw the line between forced and arranged marriage, and they should rather be viewed as a continuum ranging from limited pressure (e.g. marriage candidates who are proposed on a regular basis but to whom refusal is possible) to no room at all to refuse or negotiate marriage candidates. As stated by professionals working with people affected by these phenomena, the point of departure is when the person indicates that there is a problem, hence the reason(s) why the analyses do not distinguish clearly between forced marriage or arranged marriage, but rather should be situated in this continuum.

Another respondent alluded to the fact that the influence of parents as matchmakers has diminished within the group of second- and third-generation migrants.

'In the Roma community, parents still play a very important role, but there are cases in which youngsters say that they do not agree, but the majority will resign. We had cases here of youngsters rebelling, who took steps through school or through the unit 'society', and who mentioned they were to be forcefully married, and then police and justice came in. [...] The second generation will still try to choose a partner from their own ethnicity because they hope to safeguard part of their culture, but the children who grow up here [...] I think it's wishful thinking from the parents, but the children are articulate enough. They know their way.'

It was also mentioned that decision-making is influenced by the Internet, and that victims are sometimes lured to Belgium:

'Most of the time, I think it's the parents who arrange the marriage between them, but it also happens that people – from Thailand, for example – get to know each other through the Internet and are lured to Belgium under false pretences, and have to live a totally different life here than they imagined, but they came here by free will.'

4.3.3 Pressure, control and freedom of choice

Pressure, or duress, is key in forced and arranged marriages. During interviews with the stakeholders, some insights were shared about this aspect.

Respondents mentioned that pressure could emanate from the whole community, not only from the family. It might be that pressure also comes from the family in the country of origin. The freedom of choice to refuse a marriage candidate can depend on the characteristics of a family, i.e. whether the family is 'open and modern' or, rather, 'conservative'. So-called 'closed communities' are putting people under pressure to marry:

'Freedom of choice [differs] from one person to another. There are families who are very open and modern, and where a decent dialogue is possible, but there are also families where it's really a monologue, where the father or mother says, "This is the candidate, and you will not find any better. This is with whom you have to cope." [...] It has to do with family structure, regardless of the Turkish, Italian or Moroccan culture, and also what parents are used to'

Pressure is situated on a **continuum of freedom of choice**, and it is sometimes difficult to define whether or not force is involved:

'Some youngsters feel it coming and refuse to go on holiday because they say, "OK, there is no pressure, but I simply do not like it that candidates are proposed every time." Is that pressure? Yes and no. No, because they have the choice to say yes or no, and yes, as they have to deal with it every day.'

The pressure experienced is mostly **psychological**, although physical force is also used in some cases. Duress or pressure might be expressed as a means of controlling a girl, or by the community punishing a family (for example, half of the community not showing up at the wedding of one of the children of a particular family that let their daughter marry someone not accepted by the community). It might also be experienced by youngsters who realise that they will have to break with their family if they continue the relationship with the partner they have chosen:

‘There were a couple of girls who were removed from their families and taken to a shelter, but the girls experienced a lot of stress because of the separation [...] and those girls said, “If I leave now, then I will no longer be a member of the family, then I do not belong to the community any more.” And then they often go back and succumb to their faith, so to speak, because that’s the way it should be, and the parents have experienced it – the grandparents, too.’

Pressure also occurs in cases of inter-ethnic relationships:

‘When you live in a society where Islamophobia is very big, then you create a countermovement – if we are not good enough for you, then you are not good enough for us. These kinds of elements of mutual racism and prejudices also play a role. [...] These are inclusion and exclusion mechanisms that play a role and have an influence on the behaviour of people. We also saw reversed racism – some young women were not welcomed by the Flemish parents of their boyfriends.’

One of the reasons mentioned for putting up with pressure was the **fear of being expelled from the community and family**, and the fact that it is very difficult to leave the safe environment of the family. Therefore, youngsters are scared to act against the family and break with them. Youngsters who have undergone this serve as an example, and as a deterrent:

‘The fact that such things happen is an enormous deterrent for other youngsters to even think about starting a relationship with someone who is not Moroccan or Turkish.’

‘I think there are quite a few youngsters who believe they have the power to break with their family, who do it, but who, after X weeks, regret it and prefer to return to the family cocoon. They need it too much. They are very young, they are poor. [...] To be independent from your family demands a lot of courage and power.’

People also do not want to disappoint parents and scandalise the family’s name. **The aspect of loyalty** is a vital element here:

‘Forced marriage limits the freedom of choice. Pressure can be very subtle, but can be very convincing. One of the main characteristics is loyalty to the family ties and the loyalty conflict. [...] The majority of the cases of forced marriages or arranged marriages find their origin in being stuck between the partner and the family of origin. There is a conflict between the partner they did not choose themselves and the family that proposed the partner. To me, it is obvious that this is a major source of conflict between the man and the woman, but also of internal psychological problems (anxiety, depression). People are stuck between what parents want, what they want, and what their partner wants.’

4.3.4 Reasons for forced marriage and arranged marriage

Respondents disclosed a number of reasons for forced or arranged marriages. These reasons are summarised and further detailed as follows: avoiding dishonour, ‘therapeutic’ reasons, material or financial reasons, residence papers, protection against exterior influences or the protection of one’s own culture, and the care of elders.

Honour

Many respondents mentioned the aspect of **honour**. At the onset of puberty and when the first signs of femininity appear, marrying a girl off preserves the honour of both the girl and her family. In Roma communities, there is a great deal of social pressure to marry young and to accept the proposed partner in order not to dishonour the family. Sometimes, promises regarding marriage are made between families when children are very young. Such promises cannot be broken. One respondent mentioned that a case of honour killing caused more forced marriages in the Indian community:

'We had periods where we experienced more cases of forced marriage. For example, three years ago, an Indian girl was killed here, and because of that killing, a lot of Indian girls were forced to marry because the families were afraid that their daughters were going to do the same [the girl that was killed fell in love with an Indian boy from a different caste]. At that time, we received a lot of questions about that issue.'

Dishonouring the family can be caused by having an inter-ethnic relationship that is not accepted by the parents, or by displaying an attitude that is considered too Western. The family honour is also affected when youngsters go against the family rules, for example, in cases of homosexuality or 'problematic' youngsters (drug abusers, problems at school, criminal history, having had (multiple) relations prior to marriage). In such cases, a **'therapeutic' marriage** is proposed, or imposed, to 'cure' the person and put him or her on the 'right' track again:

'There is freedom of choice, as long as it's a Muslim, or if the person has the same ethnicity, but from the moment it's an inter-ethnic marriage – for example, between an Italian and a Flemish [person] – then it becomes more difficult. Then I notice that a lot of parents are interfering, and that parents think it's not good because they want their grandchildren to have the same religion [...] and so they try to convince the youngsters.'

'The Turkish community is quite closed and relatively small. A girl has a boyfriend, and another one, and a third one, and the latter does not work out either. [...] In the end, her reputation in the community has already been damaged, and then it's often the reality that those girls have to find a partner in Turkey because their reputation is less of an issue over there, or that she – because she has a visa or residence papers – is used as an intermediary to find someone over there. For me, that is also a marriage with limited freedom of choice.'

One respondent mentioned that boys and girls from their respective countries of origin are sometimes perceived as better marriage candidates:

'We noticed that girls had very negative perceptions about boys of the same origin living in Belgium and vice versa, especially among girls: the boys are losers, they do not finish school, they will not be able to support a family, they have no sense of responsibility, especially that, "When I look at my environment, those boys are not serious. They just hang around in gangs."

Financial and material reasons

Marriages are also concluded for **financial and/or material reasons, or for residence papers**. This refers mainly to a marriage that is considered a financial transaction, whereby parents 'sell' girls, as one respondent put it. This has to do with financial difficulties in which families find themselves, whereby parents do not see any other

way out, other than a forced or arranged marriage. A bride price is then seen as a solution to this financial problem. Respondents cited amounts between € 750 and € 10,000:

'A lot of families experience financial difficulties and all the problems this brings about. Traditionally, in a Roma marriage, a bride price should be paid, and the marriage celebration also costs a lot of money. Presents must be given. So, I think, for a family that has difficulties, marrying can be a serious financial burden. I dealt with a family with financial problems, and the grandmother considered that the solution to their financial problems was to sell her granddaughter.'

One respondent mentioned that in order to increase the value of a Roma girl, a physical deficiency (her eye) was operated on. Another respondent remarked that the Kurdish community is very clan oriented, and that marriages are concluded within the same clan in order to protect land and property. Marriages are also concluded to obtain residence permits, and this causes several problems, as respondents pointed out.

Seeing that it is increasingly difficult to enter Belgium, marriages to obtain residence permits are a reality. One respondent mentioned that this is the only way to get to Europe/Belgium for non-EU residents, as economic migration is no longer possible. Marriage is then used deliberately to obtain residence papers. When partners are sought in the home countries, mainly because they are thought to be less emancipated (in the case of girls) or more capable of caring and providing for the family (in the case of boys), youngsters with marriage ambitions often doubt the intentions of someone in their home country, finding it difficult to know whether or not the candidate one wants them for the 'papers'.

Protecting cultural values

Marriages can be imposed to protect one's own values against foreign influences:

'They [the Roma] have good arguments as to why they marry their children by force. They want their daughter and son to marry as soon as possible. They think that we, Western people, have a very loose life, running from one boyfriend or girlfriend to the other. They think this is not permitted. They ask us how we raise our children, "from the age of 15, 16, having one girlfriend after the other, drugs, alcohol". They think this is not acceptable, whereas we think they do not give their children opportunities.'

Marriage among the Roma is therefore seen as a form of protection against 'the others', against a 'hostile outside world', as one respondent put it. Another mentioned that such marriages are concluded to avoid something happening to their girls. This fear is inspired by the paedophilia cases and Catholic Church scandals in Belgium. Parents want to secure their expectations for their girls by arranging or forcing them to marry.

One respondent mentioned that having to give up the daughter that you raised, once she's married, to another family (that of her husband) means that this experience of loss will be even greater if the girl marries someone from another religion or even another socio-economic bracket. Forced and arranged marriages within the same ethnic communities are also concluded to protect their culture and values. Parents might be concerned that their frame of reference, values and language will not be passed on to the next generation(s). In the case of refugees, as one respondent

mentioned, marrying their children to partners from their own community, even against their will, is a means of preserving their culture.

The care of elders

Finally, one respondent mentioned that forced and arranged marriages could also be linked to the care of elders. Senior migrants do not go to residence homes for the elderly, as is common practice in Belgium:

'One thing we [the police] have observed is that more and more women are lured to Belgium in the framework of a forced marriage in order to help the grandparents, to help the family-in-law. Migrants in Belgium grow older, and most of them do not return to their countries of origin. [...] There are no specific institutions for elderly people of migrant origin, so they stay at home, and then, the eldest son, who sometimes has a problematic lifestyle, or not, has to marry a girl from the country of origin. They arrive here and they are a bit like Cinderella [...] sometimes treated like slaves.'

4.3.5 Consequences of forced marriage

The professionals brought up the numerous consequences of forced and arranged marriages. These include psychological problems, early pregnancy, early school-leaving for both boys and girls, financial repercussions, problems with integration, intimate partner violence, extreme isolation, and repudiation from the community. These are examined in more detail, as follows.

Psychological problems

Psychological problems occur when victims find themselves in a marriage that does not work out, and when divorce is not an option. People often remain with the abusive partner so as not to lose their residence permit, seeing that marriage cannot be dissolved in the first three years, according to the current legislative framework. This can lead to a range of problems, including depression, damage to self-esteem, feelings of guilt and shame, and problems with sexuality. The pressure that is put on victims to accept marriage candidates can have serious consequences, affect normal functioning in daily life, and eventually lead to victims breaking under that pressure. Psychological stress or violence in relationships can also lead to suicide, as one professional mentioned:

'I had a case of forced marriage, of a man who was forced by his parents to marry a particular girl, but who was in love with another woman. Besides his marriage, he kept on seeing that woman. He dreamt of a life with her, but he had promised his parents to marry the woman of their choice and wanted to keep that promise. At a certain point in time, he felt trapped because of his divided loyalty to the different parties, and he became chronically suicidal. The only way out that he saw was death.'

Isolation

Situations of [extreme] isolation were identified in women and men who migrated to Belgium for marriage and were completely isolated from Belgian society. Often, they are not prepared for the radically different lifestyle and habits of the partner. This can result in isolation, and even violence. Isolation and loneliness were also noted after divorce, due to a lack of social networks. The aspect of isolation was also mentioned in the provision of care, when there is no follow-up once a girl turns 18. These girls find themselves in total isolation, as they no longer have a network in the community:

'We see more and more women who have never left their homes and who, after several years, find themselves thrown out on the street. They come to the police station, for example, we had a woman who was in Belgium for three years, but she did not even know where she lived. All of a sudden, her husband threw her out of the house. She could not tell us her address.'

Violence

Violence is one of the issues often mentioned as a consequence of forced and arranged marriages:

'I had a case of an Afghan woman who had to marry at 16, with an Afghan man who lived here for many years. Apparently, the family of the man was very influential in Afghanistan, so the woman came here at the age of 16 with false documents – her marriage certificate and birth certificate were falsified. There was severe partner violence and child abuse in that marriage. She had a number of miscarriages due to her husband. She sought help and provided evidence, but she did not want to report to the police because she and her family were threatened. The family of the woman in Afghanistan was severely threatened, even physically, for example, her mother was stabbed with a knife. Her husband said that if she ever told someone about what happened in his house, he would make sure that her family in Afghanistan was going to be harmed. He is also trying very hard to get her back to Afghanistan, but she knows that if she goes back, she will be labelled as a very bad woman.'

In many cases, such marriages are not concluded on a solid basis and the marriage becomes problematic, leading to (threats of) violence and intimate partner violence. Sometimes, partners are ignorant of the difficulties, relationships or children from the past of the partner in Belgium, which can lead to violence. Differences in education, norms and values regarding parenthood and how to raise children can cause struggles between a partner born and raised in Belgium and a partner from the country of origin.

One professional stated that when there are migration problems, marriage troubles undoubtedly follow. Expectations and promises that were agreed upon prior to the marriage are not met, which can lead to intimate partner violence. Moreover, partners from abroad are often in a much weaker position than the partner from Belgium, as the latter knows the language, already has a residence permit, and knows his/her way in Belgian society. Violence was also noted among minor Roma girls, who enter into the family of the husband. They are abused, must do all the difficult physical and dirty work, do not have the opportunity to use contraception, and have to obey the elder women in the family:

'Once they are married, they enter the family of the man. The one who arrives, the last in that family, has to do the work. So this girl was very good in our school, she knew the [Dutch] language very well, she was a girl with a future, and she was forced to marry, and then she was very much abused in that family. She had to do all the dirty work, really heavy work. She got pregnant immediately, as she did not have the chance to use contraception.'

Extreme expressions of violence include the threat of murder, as well as being expelled from the community. Cases in which the victim's life was threatened were mentioned by a professional who works with the Indian community:

'Women who fear they will be forced to marry or who fear for their life are welcomed in our shelter. It's closely related to honour violence and honour killings, but it strongly depends from community to community. Especially in the Indian culture, women really fear for their lives, and then they seek shelter.'

Being expelled by the community was recounted more often. Refusing a marriage, in particular, incurs a heavy emotional burden: one is seen as dirty, less valued by the family and the community, and it leads to expulsion from the community. This is the case among the Roma. One professional stated that it is really difficult to take any juridical steps in cases of forced marriage, as the victims are expelled from their community and end up quite isolated:

'When asked what women would think if their daughters would come home with a non-Muslim, a lot of these women said they would no longer talk to their daughter, and that they would break all contact for years, in order to avoid shame by the community. These are real dramas.'

Migration and integration issues

Marriages concluded between a partner who lives in Belgium and a partner who is migrating from a home country can work out, but can also cause problems due to issues related to migration and integration:

'The marriage is concluded quickly, and not on a solid basis, so the partners do not really know each other very well. When one partner migrates, this poses issues relating to integration. This person might have imagined his or her life differently, and this all might burden a marriage, and this pressure can be expressed through violence.'

The person migrating to Belgium could face racism and discrimination, a lack of job opportunities, and/or poor labour conditions, any of which can cause disappointment and homesickness.

Early school-leaving and early pregnancy

Early school drop out within the Roma community was one of the problems mentioned. Marriages are concluded in a traditional way, at a young age (before the age of 15). Once married, girls and boys drop out of school. The girls have two to four children and need to take care of them. As a result, they have no time to go to school. Girls also know this, and they do not see the point of attending school if they are to marry in a few years' time, with the care of the family and household on their shoulders. Boys also drop out of school because, as the man of the house, they have to provide money and have to work:

'In the Roma community, it is a problem that when they marry, they do not go to school. Girls are kept at home, especially those coming from abroad. Sometimes, girls who attended school for eight or nine years and who get married drop out of school. This is really not good for the future generation. It's a waste of time. Everything we do in schools is somewhat lost when girls remain at home after they marry.'

Early pregnancy is closely associated to early school drop out within child marriages. Professionals also mentioned cases in which minor brides, upon arrival in Belgium, get pregnant immediately in order to obtain their residence permit more rapidly (if they have a baby).

Financial problems

Financial issues relating to forced or arranged marriages cannot be underestimated. Especially when a bride price is involved, it puts a serious financial burden on partners to remain married. On the other hand, the bride price can also help solve financial problems in a family. Such financial issues can cause considerable stress:

'For example, in the case of a man, he can take out a big loan in order to marry because a bride price is often paid in cash, or gold has to be bought for the marriage, so it concerns thousands of euro. Sometimes, the family in rural areas has sold land for this, as collateral for the loan, so the marriage is an investment for the whole family. On top of that, the man is not prepared for life in Belgium. There is pressure to pay back that money as soon as possible. He has to find a job quickly. So there is financial pressure, the expectations of the family, the obligations that it brings about.'

4.3.6 Escaping a (threat of) forced marriage and coping mechanisms

There is, of course, the option to **submit a complaint to the police**, after which point a woman could be **referred to a shelter**.

Most respondents, however, mentioned **divorce** as a way out, and several issues relating to divorce were brought to the forefront. In Roma communities, divorce is not an option. Issues relating to honour and the bride price prevent people from divorcing. Another aspect that hinders divorce is that those who enter Belgium within the framework of a marriage must remain married for three years. This means that they have to endure the situation before they can request a divorce. When the marriage is abusive, respondents – understandably – consider it problematic:

'Most of the time, girls accept the situation, and accept a candidate. They try to endure the situation for two to three years, after which, they request a divorce. In this way, they have the advantage of living in a Western society, they obey their parents, the family honour is saved, and the honour of the girl is preserved. That's what people tell these girls, but most of the time, by the time they can divorce, they have three children and the husband is abusive. Getting out of such a marriage is not that simple. [...] Moreover, after the divorce, a finger is going to be pointed at the woman because she's the one who divorced.'

One way of escaping the threat of forced marriage is by **refusing to go on holiday** to the countries of origin in order to avoid pressure to accept marriage candidates. One respondent also mentioned **prolonging schooling** by deliberately failing exams as a way out. This offers the girl the opportunity to mature so that she is in a stronger position to withstand family pressure.

Among the Roma, **abduction** is sometimes used to escape a forced marriage. This happens among youngsters who want to be in a relationship that is not accepted by their parents/family. The girl is abducted by the boy, and as the community/family assumes that she is no longer a virgin, the youngsters can get married, as the girl's value has been damaged.

'We dealt with a Roma family where promises had been made to marry off their children, but the children tried to stop it through abduction. We hear that more often from the age of 15 years onwards. In the Roma community, a girl can be abducted by a boy. They have to try to stay away for a couple of days and then the family considers that the girl is no longer a virgin. When she returns, the family allows the marriage to go through to safeguard the honour of the family.'

One respondent mentioned that opportunities to escape or to cope are better for men than for women:

'As the honour of the family passes through the woman, the woman must walk the straight and narrow, whereas a man can have a double life beside his arranged marriage. [...] So men complain less, as they know they can have a life alongside their marriage without this causing too much of a problem.'

Psychotherapy seems to offer valuable support in coping with psychological problems due to a forced or arranged marriage, for both men and women:

'It's certainly advisable that people receive psychotherapy in their mother tongue. In 90% of the cases in my practice, it's related to marital problems – not many cases regarding an upcoming marriage, but more cases of people who have been married for a couple of years, cases of arranged marriages and marriages with partners from home countries who are experiencing problems due to differences in norms and values regarding the education of children, differences in how they were raised. [...] I have people who divorce and end up being very lonely. When they arrive here due to migration, they don't have their own network. After divorce, they are expelled from the community and experience detrimental psychological problems. [...] I also witness a lot of single mothers who have difficulties because they are not remarried. [...] It's remarkable to me that people are surprised that there is a possibility to act with respect for their family, but also with respect for themselves. It is really possible to find a way out.'

4.3.7 Trends

We asked respondents if they had any indications that forced marriage or arranged marriage had changed over time. Positive and negative trends were both mentioned.

Positive changes

The most apparent change that was mentioned was a notable **difference between first- and second-/third-generation migrants**, in terms of more scope to negotiate, more freedom to choose the marriage partner, and more openness to discussing the issue.

One respondent stated that the migration context and society have changed considerably over the last ten years, and that the social mobility of Turkish and Moroccan communities is much more advanced than that of the newly arrived migrants, such as those from Chechnya, Pakistan or Albania. For that reason, there is more openness to discussing these issues, including inter-ethnic marriages, among Turkish and Moroccan communities. The Turkish and Moroccan migrants of the first generation were often illiterate, whereas the second and third generation went to school. This factor – education – gives more scope for negotiation regarding inter-ethnic marriages. Another respondent confirmed this:

'Some families among the Turkish community obtained degrees in higher education and have climbed the social ladder. They belong to the middle class. They want to get rid of the interference of their environment, and they move to the suburbs, just outside the city, where they live in a mixed environment – and where they can do what they want as a nuclear family.'

This evolution, from a traditional family towards a nuclear family, which focuses on its members' own needs and desires, and in which marriage partners are equal, was brought up again by another professional. Concerning the Roma, one respondent mentioned that Roma born in Belgium have more freedom of choice, and that some girls stay in secondary school and get married at a later age.

A second, important, positive change is that there is **more openness** regarding forced and arranged marriage. This is reflected in the increasing requests for support and information. One respondent believed that because people are more open and have learned from the past regarding migration and marriage, there is more freedom of choice, and youngsters oppose family pressure more often and have more knowledge about what to do in such cases, for example, going to the police.

The fact that the helpline 1712 exists is also considered a factor that makes psychological violence more visible, including violence linked to forced and arranged marriages. Even at policy level, forced marriage seems to be on the agenda, as one respondent stated by referring to the specific chapter on forced marriage in the National Action Plan, and the increasing number of initiatives taken. However, one respondent claimed that such attention only comes after dramatic events:

'These issues have always existed, and suddenly they are on the agenda. It's the same with domestic violence that was discovered ten years ago. It's horrible, but it's the way it is. It's the political agendas and it is how our society functions that determine which issues are prioritised.'

Because of the increasing openness within the Turkish community, **more men find their way to psychotherapy** with problems relating to marriage, amongst others. The role of the media (the Turkish media in Turkey) in breaking the taboo surrounding seeking help when experiencing psychological problems is crucial:

'I do see a change in my [psychotherapy] practice. For example, in the beginning, mainly women came, and nowadays, very often, men feel the need to talk because they find it difficult to tackle certain subjects in their own network. I also see a change in the Turkish culture in Turkey, as well as here, to the extent that it is less and less a taboo to go to a psychologist, a psychotherapist. I do see that the media plays a major role in this. It is a very media-centred culture, and people watch a lot of TV, and in talk shows, you see psychologists. In radio programmes, you can call a psychologist to ask a question. [...] It's less of a taboo now.'

Changes in the characteristics of forced marriage are also occurring, as noted by several respondents. The ages at which marriages are concluded seem to be slightly increasing among the Roma, although forced marriage remains common in this community. In the Turkish community, however, there is a trend towards more arranged marriages and fewer forced marriages. Other changes include the slow recognition that services and communities need to collaborate, and the fact that women in abusive relationships are increasingly being supported by their families to leave their abusive

husbands. In some Roma communities, respondents saw a positive trend regarding school-related issues. More parents come to the contact moments organised by the school, and there are fewer absences.

One respondent stated that there is an **evolution going on in the Roma community**:

'With regard to freedom of choice, there is an evolution among the Roma community. There was a case of parents who had to go to the police for marrying off their children. This was a strong signal to the rest of the community. The other parents definitely do not want to find themselves in that same situation, to have to go to the police, to court, to justify themselves, and they are very afraid that their children will be taken away. That is their greatest fear.'

Negative trends

Negative trends were also mentioned. The **right-wing discourse** in Belgium, which has been gaining more attention over the past few years, has not helped to solve the problem. Contrary to what is written in the previous section, some respondents even noticed an **upward trend in the number of cases** in the past ten years, as well as an increase in pressure on youngsters:

'I have the impression that the issue of pressure on youngsters by families is increasing, at least according to what they tell us. Often, when we carry out sensitisation activities, there are 20 youngsters between 15 and 18 years, and we ask them, "If you had to marry tomorrow, would you be able to choose the partner you want, or would you have to argue with your parents?" And many of them tell us that they would have to argue with their parents.'

One respondent noticed differences between the first, second and third generations of migrants when it comes to marriage:

The first and second generation belong to a closed-community structure, where respect for the family is vital and marriages are concluded based on that respect. [...] Many of these marriages were 'collective', i.e. grandfather, grandmother, aunts and uncles all living together [...] but nowadays, when it concerns marriages for migration, there is this "dream of Belgium" in countries of origin, whereas here, in Belgium, they have a "deep-freeze mentality", as if everyone in the countries of origin still lives in that closed-community structure, with that respect for the family, and here, in Belgium, all daughters are whores and all sons are trash because they want their children to marry someone from the countries of origin.'

Finally, a negative trend was noted among the civil services in municipalities. In earlier days, these services were ignorant of issues relating to marriages of convenience, whereas nowadays there is a trend towards non-recognition of any marriage, based on false or wrong assumptions that the marriage is suspicious.

'There is another aspect at civil/state level that is very important, and which is very recent. It concerns the attitudes of the civil services in municipalities, who haven't dealt with this issue in the past. Now it has become total madness at times. In certain cases, these services refuse to acknowledge a marriage in Belgium if they consider, be it wrong or right, that there are certain suspicions of a marriage of convenience in which the two are involved, or that one is trying to get the other one over here.'

4.4 HOW FORCED AND ARRANGED MARRIAGES ARE DEALT WITH IN BELGIUM: CHARACTERISTICS OF THE STAKEHOLDERS' WORK

This section provides insight into the work of stakeholders dealing with forced and arranged marriages, particularly relating to prevention, protection, prosecution, provision of services, policymaking and research. Three other aspects of particular importance are also highlighted: the reporting of cases, the feelings and attitudes of stakeholders, and the importance of partnerships.

4.4.1 Prevention

The prevention of forced marriage focuses on several aspects: **sensitisation**, capacity-building of professionals as well as victims, outreach, the provision of advice and referral, mediation, financial measures, and social networks. Each of these issues is explored in more detail, as follows.

One of the main activities in the prevention of forced marriage is sensitisation. This is mainly done by spreading information through posters, flyers, websites, colloquia, documentaries and films (for example, a documentary made by the Turkish community about people who migrated to Belgium for marriage), a theatrical play, an educational toolkit (*Marriage Return Ticket: Brussels-Turkey*), brochures (for example, *Holiday Time, Marriage Time*), etc.

'We created a theatrical play that explored arranged marriage in the Belgian community, in the aristocracy. This was a setting where arranged marriage occurred frequently, as there was the issue of the family property, and that is why meetings were organised among youngsters of aristocratic families, balls were organised. [...] We tried to broaden the debate and not to stigmatised migrants by stating that it is always youngsters of migrant origin who are confronted with this. It happened in our history, too, and it still exists, so we wanted to stimulate the debate within communities with this play.'

Target groups for sensitisation efforts include schools, newly arrived migrants, and the police/magistrates.

- Sensitisation in schools is preferably organised before the school holidays. One initiative provides sensitisation on partner choice, on recognising pressure and providing mechanisms to deal with it. Another project explores marriage migration, communication, sexuality, etc., and is targeted towards youngsters, couples and individuals. In a school in a Flemish city, a particular project was organised for 11- to 12-year-olds in order to sensitise them about marriage, relationships, and free choice of partner. In that project, all stakeholders received training, support for pupils was provided, and referrals were done when necessary.
- One respondent mentioned that the assimilation course provided to **newly arrived migrants** is necessary, in order to provide information on organisations dealing with marriage issues.
- Information is also provided to **police officers and magistrates**, to inform them about the issue of forced marriage.

Two respondents suggested **capacity-building** aimed at professionals. For the past few years, one city in particular provided capacity-building on forced marriage for police officers. A training manual was developed to accompany the course. Another respondent mentioned that they tried to provide a framework in which service providers can operate:

'There is a right-wing discourse around the issue of marriage and migration. [...] We are astonished during meetings about the very right-wing, extreme-right way that civil servants and others discuss this. [...] This is not really solving the problem. Of course, abuse should be tackled – violence, definitely – but the bottom line is left untouched, and that is what we try to do. We work with groups, with service providers, with empowering people, trying to show them and to explain that these are the boundaries, the legal framework in which we have to live and work, and that is not easy, as it is a private matter.'

Outreach, especially to the Roma community, was mentioned as a way of building trust with this community, with particular families, which is much needed in order to raise issues relating to the school attendance of Roma children. It is very difficult for youngsters to attend school once they are married and have children, but outreach workers try to motivate parents to send their children (mainly girls) to school, at least for a couple of weeks or at regular intervals. They also try to find alternatives to get these children to school. One respondent mentioned, however, that the issue of forced marriage is not really taken up:

'We are keeping out of this, at the moment, I think. It is really a family business. Personally, I think that marriage is not really a problem. Of course, I do not know the opinion of the girls. Our problem, in our line of work, is the fact that they do not attend school. That is much more important to us. [...] We try to pass on the message that it is important to provide a better future for their children by letting them attend school, so that they have the option of continuing their education, finding a job, etc., but I think we still have a long way to go. [...] Other organisations say that we have done so much in the past to try to diminish that problem [forced marriage] without results, so maybe we need to focus more on small children. Everyone sees education as the key to the future.'

Mediation within communities is often used as a strategy. It is done, for example, by the police, teachers (equal-opportunity teachers) or cultural mediators towards parents, or via the family, the imam, or a person trusted by the victim.

Another way of dealing with the high school absenteeism of Roma children was the **withdrawal of study bursaries or other financial advantages**. Although this did have an effect on non-authorised absences from school among the Roma, making parents pay back study bursaries was also problematic.

'For non-authorised absences from school, we collaborated with the police. If there were several non-authorised absences, the file was sent to the police and the police made a house call. The uniform made some kind of impression, but it did not have a lot of impact because they only received a warning. The measure that did have an impact – I believe it was an initiative by Pascal Smet – was the withdrawal of study bursaries, or the reimbursement of bursaries in the case of too many absences. This had an influence, yes. So, after a certain number of warnings, the files were sent to the Ministry of Education, who then sent out letters that bursaries had to be paid back, but the bursary was already paid and the reimbursement was a big problem, seeing that they have large families and most of the time, the money was already spent.'

Another measure (although not often used, according to the respondent) was making support from the municipal social-service department conditional, i.e. that financial support would only be provided if the children attended school.

The **violence helpline 1712** is considered too new to draw any conclusions. According to a respondent, it is not yet sufficiently profiled, however, because it has a low threshold, reports are coming in from the Afghan community. (Migrants who are more integrated know their way to other services much better than members of the Afghan community.) However, another respondent thought that this helpline, despite its low threshold, was not yet specialised in multicultural issues.

When victims contact services, **advice, counselling and**, if necessary, further **referrals** are provided. Information is offered on the rights of the victim and the (dis)advantages and risks of each possible step when considering the refusal of a marriage.

4.4.2 Protection

In protecting victims of forced and arranged marriage, respondents thought that police, shelters, and schools and teachers play a key role. The police force in a city in Wallonia (Mons) has extensive experience in dealing with forced marriage, and it pays particular attention to genuinely life-threatening situations in cases thereof:

'When a girl comes to the police, the actions we will undertake are quite similar to those of victims in general, and to victims of intrafamilial violence or intimate partner violence. However, we do pay particular attention because we know there is a real life-threatening situation. In other cases, this is not so apparent. [...] There is a specific procedure that allows us to know when we need to activate the unit for assistance to victims. In cases of intrafamilial violence or interpersonal violence or other situations, colleagues will wait to fax us a paper asking us to get in touch with certain people, whereas in the case of forced marriage, they have to call the service immediately. [...] This is the flow chart for police officers, and this means that even if a person calls 101 and has the dispatcher on the phone, based on key words that have been encoded in the information system, the operator can decode it and the procedure will appear on the screen so that we know what to do in these situations.'

Two respondents mentioned that such **special police units** also exist in Antwerp, Ghent and Brussels, where there are reference personnel who have received special training on these issues.

Shelters also provide protection, such as in the case of intrafamilial violence. Women are given a security plan if necessary, or a personal alarm system can be installed on their phone at home if certain criteria are met.

Schools and teachers also play a role in protecting victims. One respondent mentioned that schools and the police collaborate on issues relating to forced marriage. Another respondent mentioned that there are warning signs to which one can be vigilant and that function as indicators, for example, when the behaviour of a child changes, when a girl is being more controlled and is not showing up for activities like she used to do, or when a woman is beaten up a lot but keeps going back to her husband, or if a woman is not going out. One respondent noted, however, that before going to the police, victims initially seek protection from close relatives, in Belgium or in their countries of origin.

Possible protective measures brought up by respondents include putting minors in institutions and referring (potential) victims to specialised organisations or shelters for abused women. One respondent mentioned that working with minors is similar to working with adults when it concerns forced marriage: the issue is complex, and there is a need to analyse on a case-by-case basis. However, if minors are involved, the need to take protective measures might occur, even if there are no sufficient juridical elements by which to punish the parents.

One respondent mentioned that s/he developed a protocol for cases of forced marriage:

'I made this protocol following a case where I ran into a brick wall time and time again: the police did not want to cooperate, people did not know the rights of the victim, there were genuine threats to the life of minors, who needed to be referred. [...] On the basis of all the information I collected at that time, we created a protocol. We also made a brochure for youngsters who fear being taken abroad to be married. In that brochure, youngsters are provided with information to make certain agreements with a person of trust. For example, when the youngster is going abroad and he or she does not get in touch with the person of trust any more, or if he or she calls and speaks a code word, then this is the signal that a procedure should be initiated in Belgium.'

Reports of forced and arranged marriages come from schools, the police, social workers, teachers, family and friends, welfare departments, centres for pupils' counselling, care providers and health services. Many respondents agreed that victims seldom report cases of forced marriage. It is difficult for victims because, although they do not agree with their parents, they remain loyal, and this loyalty conflict makes it very difficult for them to denounce their parents or family and to make a formal complaint.

Prosecution

In cases of forced marriage, juridical proceedings can be instigated. Victims can report to the police, although respondents stated that this is not often the case, as aforementioned. When a forced marriage is reported, an official report is made and the prosecutor is informed. Court cases might be initiated, and legal actions might include imprisonment or conditional freedom. Evidence is often provided on the basis of assault and harassment, as this is much easier to prove. Depending on the situation, the judge might suggest a divorce, or in violent situations, the victim might demand recognition for that violence.

In Brussels, a special forced-marriage unit in the police has been in operation for six years. This unit deals with a very mixed ethnic population (150 nationalities) in a deprived area of the city. The unit is confronted with the most poignant situations. Also, once the police hear about a forced marriage, it is often too late to stop it, as the victim might be abroad and her papers taken from her, or the victim has no money, is isolated and controlled, terrified of her in-laws as well as her own family, becomes pregnant quickly and is often abused.

'Our first case involved a girl who realised that the marriage was forced, and that the marriage took everything from her. She loved to give dancing classes to children, but all of sudden, she wasn't allowed to do that any more. Her fiancé did not want her to leave the house, so her family locked her up, as they were already promised to each other. In that scenario, we cannot do anything any more. When we [the special police/forced-marriage unit] hear about a forced marriage, it is often too late. Identity documents have been taken away. They leave for a trip abroad, and when the girl calls us, we have to tell her she cannot do anything without her documents. She then has to go to the embassy, but that takes time and money, which she does not have. [...] Don't forget, she's all alone! [...] Another case involved a girl who was not allowed to leave the house any more once she was married. She became pregnant within three months, and then we got a call about domestic violence and she had bruises all over. That hurts. [...] She did not want to make a complaint because she was terrified of her in-laws and her family.'

In addition, the special police/forced-marriage unit provides support to organisations and other police departments, offers (telephone) advice to lawyers, victims and police officers as well as organisations, and provides information to schools and prosecutors. Another respondent mentioned that his/her organisation provides support for victims during legal proceedings, such as finding a lawyer and accompanying the victim to court.

4.4.3 Provision of services

When asked about the services provided, respondents shared insights into their work with victims, on shelters, mediation, referrals, reporting, training and sensitisation.

Working with victims: One respondent from an NGO mentioned that it was one of the few organisations that follows up and provides long-term support for victims. Its work consists of an extensive intake conversation to assess the situation, the needs of the victim, how the family is functioning, and to evaluate the risk and danger of a particular situation. A vital element in this work is the dialogue with the victim, to discuss the situation, the options and consequences of each option (for example, breaking with the family or not). Psychological and social support is also provided, for example, support in dealing with financial difficulties, with the divorce process, with juridical issues, with finding a job, etc. If necessary, victims are referred to other services or shelters, or housing is provided.

One respondent provides psychotherapy in the victims' native language (Turkish). In cases of marital problems (the majority of patients), the therapy treats the damage done by forced or arranged marriages, such as loss of self-confidence, feelings of guilt and shame, how to face failures in life and its financial consequences, sexuality problems, etc. The fact that this therapy is provided in the mother tongue of the patients is very important, according to this respondent.

The use of peers in working with victims and communities was used successfully as a strategy in Ghent. Women who were former victims are now experienced experts who assist victims in making decisions. These peers are highly credible from the victims' point of view. They are role models because they demonstrate that a stable life is possible, even after choosing their own partner.

Mediation: This is utilised by many of the respondents who deal with victims. However, respondents use it with caution. Mediation will depend on the situation, and as a strategy, it can work, even in cases of resistance to inter-ethnic marriages because of the low threshold for people seeking help. However, a respondent pointed out that one must remain vigilant, so as not to cause the opposite effect. Most of the time, youngsters do not ask for mediation. Seeing that it is considered paramount to always proceed based on the needs and requests of the victim, mediation should not be done when the victim does not want it. Another respondent endorsed this, and said that individuals should never be persuaded to engage in mediation when they do not wish to. Options and consequences should be explored, and framed in a human-rights context.

'If we are in a situation of violence, I am not in favour of mediation. For me, mediation must be a balanced dialogue between parties, and when we talk about violence, and especially if we are in a continuum of violence, I do not think that this is the path to choose.'

Shelters for abused women and their children receive victims of forced and arranged marriages. According to a respondent, the work is the same for all clients, regardless of whether they are victim of forced marriage or not. Shelters provide support for a maximum of three months, according to a respondent. The services provided therein include mediation, couples' counselling, socio-psychological counselling, providing a security plan for women and children, assisting in reintegration and working with children.

A few respondents mentioned **training**. This comprises training for schools, the police, support services and municipal officials who are confronted with forced marriage. One respondent mentioned that at policy level, it was decided that all municipal officers who could potentially be confronted with forced marriage should receive training.

One respondent stated that the **reintegration of victims**, after seeking help to escape a forced marriage, is non-existent in Belgium. Another said:

'Before we can reintegrate victims, victims need to be identified and protected, and we need to reflect on how this can be done in the best way, with what budget, and in which cases.'

Others identified reintegration initiatives such as referrals to appropriate organisations or services (for example, financial monitoring, housing under monitoring), following up with a victim when she is referred to a shelter, encouraging victims to undertake Dutch-language and social-orientation classes, and reintegration into the family through mediation and follow-up.

4.4.4 Partnerships

Partnerships have been built to share knowledge and expertise, both at international and national levels, and also among professionals when dealing with individual cases.

Experiences, successes and difficulties have been shared with organisations from abroad. For example, one respondent said:

'I went to a colloquium organised by Réseau Mariage et Migration that was really interesting, seeing that there were many people from abroad. For example, someone from the Forced Marriage Unit in the UK explained how they worked. Belgium could not work like that, particularly regarding the repatriation of victims to Pakistan. The UK is an ancient colonial power and they can accomplish certain things, whereas we cannot. Then there was a person from Berlin, from Papaya, who shared their experiences, their problems. Another interesting thing was that the French participants shared their experiences with developing a system of sheltering victims within families.'

Working together on cases of forced marriage creates bonds of trust and knowledge among professionals and the other stakeholders involved, and it will help to identify the objectives that have to be reached, according to a respondent.

Another respondent mentioned the critical role of equal-opportunity teachers, who have regular meetings with other stakeholders, such as social workers, school directors, and centres for pupils' counselling, to discuss cases of children who are absent from school and to decide if home visits are necessary. These teachers also collaborate with the police when there are too many cases of absenteeism.

4.4.5 Policymaking

Two respondents involved in policymaking mentioned that the following activities took place in the area of forced marriage: responding to parliamentary questions on forced marriage (very few), implementation of government policy (for example, the National Action Plan), providing subsidies for local sensitisation projects, evaluating and testing policy initiatives, and centralising all information.

Again, one respondent stressed the different realities in Flanders and Wallonia when working with victims. In Flanders, contacting services is easy, through the centres for general welfare, whereas in Wallonia, it depends on the provincial coordinators. Another respondent mentioned the existence of an action plan in Brussels that deals with training programmes for professionals who interact with victims of forced and arranged marriages.

4.4.6 Research

Respondents mentioned a number of research studies on the subject of forced marriage that were carried out in the past, as well as an upcoming study that will evaluate the specific law on forced marriage, specifically to assess whether or not the specific criminal law influences people's decisions.

4.4.7 Feelings of stakeholders

Some professionals mentioned **feelings of powerlessness, disappointment and fear when dealing with forced marriage**. They feel powerless because, in the end, the choice remains with the victim to return to the family/husband or not. Disappointment sets in when a girl is forced to marry despite the work that the professionals have done. Fear was also mentioned, as forced marriage involves life-threatening situations:

'In such cases, you are a bit powerless. That is the case with all forms of partner violence. It remains the choice of the one sitting in front of you, to follow you or not. [...] We have to deal with questions such as, "Should we report to the police or the prosecutor?" or "Are we not jeopardising her security?" To what extent are we also responsible for the eventual death of someone? It is really very hard to consider what to do.'

One respondent working with victims in Brussels said that social workers **often do not act, out of fear of doing something wrong, out of respect for culture, or because they do not know what to do because they lack confidence:**

'The difficulty that I encountered is the fear of doing wrong among many social workers. It is good to ask questions, but it is not because you have a situation of forced marriage, because you have these young girls from foreign origin, that many do not know how to intervene. I tell them, "Act as you would do with any type of violence." Of course, the family context can have consequences or aggravate the situation, but I do not understand why they hesitate so much. They – I'm sorry to say so – "racialise" the question too much. [...] When it comes to minors, you have to look at the well-being of the young girl, what is best for her, and not put yourself in the family's point of view.'

Another respondent referred to **stereotypes** among some professionals about other cultures that influence service provision. It was also mentioned that the relationship of trust with the victim and issues relating to **professional secrecy** make it difficult to act.

4.5 FACTORS INCREASING THE RISK OF FORCED MARRIAGE

Stakeholders were asked if they could identify factors that increase or decrease the risk of a forced or arranged marriage. The answers can be categorised by factors associated with the characteristics of families and communities, individuals, service provision, and context. These are explored in more detail, as follows.

4.5.1 Factors associated with families and communities

Some respondents mentioned that **ethnicity** is a risk factor. Some ethnic communities are more at risk than others. In the Indian community, there is enormous community pressure and control, whereas in the Moroccan community, only the Berber region is affected by this practice.

Some stakeholders identified **financial difficulties** as a factor that can increase the risk of forced or arranged marriage. This was mentioned in scenarios where women are 'sold' by their parents for financial profits, or among communities where a **bride price** is common practice (for example, Roma communities). Financial difficulties are thought to increase the willingness to marry off girls in order to receive a bride price.

The **lack of gender equality** in some families and communities was also considered a risk factor, especially in communities where women and girls lack decision-making power, cannot express their thoughts, and are seen as the preservers of culture. The education of girls and their sexuality, according to one respondent, 'are controlled, with the aim of perpetuating the traditions and values of the group'. Mothers are held accountable for the continuation of traditions through the education of their girls. The aspect of **honour** is vital here.

'The Serbians, Chechens and Afghans that we met, those are mothers who have been indoctrinated to safeguard traditions. The men tell them, "If your girl is not following tradition, it's your fault," and these threats are backed up by reprisals.'

The **integration of a family or community** was mentioned several times as a factor in determining the risk of these types of marriages. The following aspects increase the risk: being a 'traditional' family (for example, families where grandparents live with the family and respect for the family is very important), families that are isolated from the rest of the population (some respondents called these 'closed' families), families that have recently arrived in Belgium, and families that maintain close ties with their countries of origin.

The **socio-economic status** of a family or community was frequently brought up as a determinant for the risk of forced marriage. Respondents referred to families in their countries of origin (for example, partners coming from deprived families who have high expectations of life in Belgium/Europe), as well as those in Belgium.

4.5.2 Factors associated with individuals

Some respondents pointed out that a **girl's age** increases the risk of forced marriage, for example, when she is approaching the age of marriage or reaching puberty, or when the first signs of femininity are visible.

Another aspect that was frequently mentioned was the **level of dependency** on the family. When youngsters depend strongly on the family, both emotionally and financially, and are raised in a protective environment, it is more difficult to detach from their parents' expectations. At the same time, girls who have a certain level of independence and who express their opinions might also be at risk.

The characteristics of an individual, such as **being gay, being naive, or having low educational levels and/or learning difficulties**, were all considered likely to increase the risk of forced marriage.

One respondent also mentioned that being a **first-generation migrant** might increase the risk, when there is less awareness of the norms and values predominant in Belgium. The **lack of a social network** was also brought up as a risk factor.

Finally, one respondent mentioned that girls **without official documents** are a particularly at-risk group, especially in certain Roma communities:

'Within some Gypsy groups, I know there are parents who smuggle girls of 13 to 14 years into Belgium to marry them off. They earn a lot of money with getting these girls over here. These girls are not registered in Belgium, so nobody knows these girls are here. They do not attend school, and they get pregnant very quickly.'

4.5.3 Factors associated with service provision

Some respondents thought that the **high threshold of services** could deter (potential) victims from seeking help, as they are afraid that this will cause the situation to escalate. It was also mentioned by one respondent that shelters are not part of the normal living environment of Roma communities, and that this increases the risk of forced marriage. Finally, this respondent also referred to the **scarcity of support mechanisms** as a risk factor. More issues relating to service delivery are detailed in Section 4.7.

4.5.4 Factors associated with context

Some respondents mentioned contextual factors that could increase the risk of forced marriage: **the socio-economic status of migrant communities, issues relating to poor performance in education, and higher rates of unemployment** within migrant communities. This, however, does not diminish the importance of tradition and identity.

In addition, the **strict migration laws** in Belgium were also cited as a factor that increases forced marriages:

'Nowadays, the only way for a number of third-country nationals outside the EU to come to Belgium or Europe is through marriage. Either you can request asylum, but that has become very, very strict. It is no longer a possibility to come here as an economic migrant, so marriage is the only way in, and that can put pressure on certain types of marriage. [...] The second factor is integration in the host country. I think that the more integrated communities become by finding work, by having decent housing, and by their children following the whole school trajectory, the more these communities will advance. If these conditions are met, I believe this will diminish the factors of identity and tradition.'

4.6 VISIONS OF THE STAKEHOLDERS ON POLICIES AND LAWS

We also asked our respondents to reflect on the current policy (or absence thereof) that deals with forced marriages in Belgium. Respondents shared their views on the available legal framework (the specific forced-marriage law, the law on marriage migration, the law on partner violence, the law on family reunification, and the law on marriages of convenience) and the National Action Plan (NAP). They also shared some reflections on laws and policies in general.

One of the striking elements was that a number of respondents were **not aware** of the existing law on forced marriage or the NAP, whereas others mentioned that communities might not know that forced marriages are forbidden in Belgium. Some respondents believed that the policies have yielded good results in Belgium, considering that more cases of forced marriage are brought forward. In addition, these respondents believed that the current policies and laws reflect the values and norms of Belgium and demonstrate that the Belgian authorities have taken up the issue of forced marriage.

However, there were also some critical reflections on the policies and laws in Belgium. First of all, the lack of control over the **implementation of policies and laws** was mentioned. Secondly, when comparing Belgium to the Netherlands, one respondent mentioned that there is not much policy in Belgium, and, moreover, that this lack of policy will lead to riots:

‘There is not much policy, I believe. In the Netherlands, there is a protocol on forced marriages and honour violence. They have developed a roadmap in case of a threat: where to refer, who is going to talk with parents, to assess if there is danger, what’s the role of the police, they have special shelters for those women. There’s a whole policy around this. [...] I do not really believe in national action plans. It’s all commitment declarations and intention declarations, [...] but there is no framework in which the issue of diversity is enforceable. [...] If we do not take that step, within ten to 20 years, we might experience situations [like what happened] in the Paris suburbs.’

Another respondent reflected on extreme right-wing policies, i.e. the strict rules regarding migration for marriage, which are leading to an increase in forced and arranged marriages, as well as marriages of convenience:

‘Policy and marriage choice are influencing each other.’

With regard to the **National Action Plan (NAP)**, some respondents were positive about it. The NAP provides an opportunity to break the silence on the topic of forced and arranged marriage and to work together, at different levels.

Opinions varied on the **specific law on forced marriage**. Some respondents thought that a specific criminal law on forced marriage is unnecessary, considering that there are other laws that can deal with this, for example, when minors are involved, child marriage can be prosecuted as rape.

It is often thought that such specific criminal laws have a discouraging effect, and that such laws demonstrate that the government deems the problem important. However, not all respondents agreed. Moreover, a respondent raised the question as to whether or not the law on forced marriage can deal with all the other forms of ‘forced’ marriage in the spectrum, with all the different levels of pressure.

Respondents repeatedly brought up that the law is not an easy instrument for victims, seeing that the burden of proof is on the victim (presumption of innocence), i.e. s/he has to prove that there were threats of violence, that there was pressure, that no consent was given, etc. According to a juridical respondent, it is difficult to define and prove a forced marriage. Other crimes related to forced marriage, such as assault and battery, harassment, murder or attempted murder, are easier to prove in this respect. Providing proof of extreme control over an individual, or psychological violence, was considered to be incredibly difficult. Moreover, youngsters are supposed to make a complaint and to launch juridical proceedings against their family/husband, which is very difficult.

'I take the elements that make it an offence. You need to have a marriage, so that marriage must have been concluded. If not, it's only an attempt. Then, a marriage concluded under constraints, but not any constraint, it must be a constraint under physical or psychological violence. And when is a victim going to say she was forced to marry? Who is a victim going to accuse? Her parents? Of having given her an education that led her to accept a marriage, whereas now, after having opened her eyes and seeing things in another context she considers that marriage forced, abusive?'

This led another respondent to conclude that the law on forced marriage only has symbolic value, and that s/he did not have any faith in it, as it can never provide an indication of the magnitude of the problem. Some other respondents, who believe that sanctions alone will not suffice, endorsed this view.

One respondent mentioned that because of the murder of Saida Sheikh, the law on forced marriage was adopted.⁴⁴ In this court case, Sheikh's family was convicted for forced marriage and homicide. The gender dimension was considered an aggravating circumstance. One respondent mentioned that the sentences in this case were very minor, when considering the consequences for the victim (death), or when considering that the consequences of forced marriage last a lifetime in other cases.

Respondents mentioned that the **law on marriage migration** has become stricter [since September 2013]. One respondent noted that the new migration law stipulates that a partner can only migrate to Belgium when s/he is 21, so child marriages will become even rarer in Belgium. However, another stated that this is circumvented by falsifying birth certificates or other papers abroad. In addition, the occurrence of marriages with the sole intent of obtaining papers was mentioned by others.

What is even more worrying, as pointed out by a respondent, is that when a partner enters Belgium for marriage, s/he cannot divorce for the first three years, which gives a lot of power to the partner already living in Belgium. This can lead to situations where the partner who migrated ends up staying in an abusive relationship in order to safeguard his/her temporary residence permit. One respondent thought that the law on marriage migration together with the law on partner violence could counter such situations. However, another respondent stated:

44 Saida Sheikh refused a forced marriage and had a relationship with a Belgian man. Her brother killed her with three bullets in October 2007.

'Regarding the residence rights of newcomers, when they are victims of intrafamilial violence, the law states that you have to stay with your husband for a year and one day. Apparently, there is a law that mentions that there is an exception for victims of intrafamilial violence. I have many cases in which the victims are married one and a half, two years, who are in Belgium, but whose residence permits are taken away, even if there are five, six official reports of violence. So, I wonder if the law is active or not. Is it only a law on paper?'

Other effects of this law on marriage migration, as mentioned by respondents, include the increase of the marital age, the decrease in imported brides and better protection of youngsters who grow up in Belgium.

One respondent mentioned that the national laws are very well developed, seeing that there is a new law on marriages of convenience, which increased the aggravating circumstances. However, some communities, such as the Roma, most often marry in a traditional way (customary marriage) before the age of 18. Respondents believed that the law on forced marriage cannot do anything to stop these marriages.

4.7 ISSUES IN SERVICE DELIVERY

The stakeholders' questionnaire included some questions about possible obstacles in service delivery with regard to forced marriages. Stakeholders were also asked to identify any gaps in providing support and care for (potential) victims of forced (and arranged) marriages.

The list of barriers and gaps identified by professionals was, unfortunately, very long and is presented as follows. It has been divided into two sections: one on issues in the work that is currently available to deal with forced marriage, and another section that explores the gaps, i.e. the lack of services and other strategies to adequately tackle the problem of forced marriage in Belgium.

4.7.1 Obstacles in working on the problem of forced marriage in Belgium

A particular area of concern was the **issue of forced marriage in the Roma communities of Belgium**, and the problems encountered by those professionals who deal with this. These communities are affected by child marriages and forced and arranged marriages, as already outlined in previous sections of this report.

One of the most striking findings of this research is that services do not really act to deal with this problem. According to one respondent who works with Roma communities, most services acknowledge and know about the problem of child marriages among Roma communities, but do not act upon it (any more). Secondly, the poor economic situation and very high unemployment rates of the Roma communities in their home countries were cited as problematic. Thirdly, the attitudes towards marriage-related issues and services, as well as the insufficient knowledge among these communities about services, were identified as obstacles in adequate service delivery on forced marriage among the Roma in Belgium.

Respondents mentioned that Roma communities are very suspicious towards services, and do not know where to go in case of a forced marriage. Moreover, working with Roma communities is based on a relationship of trust, which can be severely jeopardised if it becomes known that a professional helped someone to escape a forced or arranged marriage. Arranged marriages are considered the norm, and the subject of marriage is sensitive and difficult to discuss with Roma communities. It is the same for discussing the fact that a girl's prospects and future chances are jeopardised if she drops out of school. Respondents stressed the fact that it will take time to change these attitudes and behaviours.

Another concern was that discussions about the human body and sexuality were problematic for Roma communities, hence the reason why their children are not allowed to attend these classes in school.

Finally, knowledge of Belgian services is lacking among the Roma. For example, for teenage mothers who still need to attend school, day care for their children is not an option. This system (of day care) is considered very strange, as Roma children are raised within the family. Moreover, Roma communities do not know that finding a place in a day-care centre needs to be done early in the pregnancy. Language is also seen as a barrier for Roma communities, especially when minor brides come from abroad.

Many respondents considered **mediation** complex and problematic. It is often done with the best of intentions, for example, by teachers, who discuss a forced marriage with parents. However, mediation is not often recognised as the cause of serious problems for the victim. It requires a case-by-case analysis, whereby the whole family system and the security plan must be carefully assessed. One respondent mentioned that mediation in cases of forced or arranged marriage cannot be based on the same strategy as dealing with problems in school. Mediation is difficult for parents, who are strongly attached to traditions and social obligations in their communities, as one's position therein is very valuable and necessary for survival. Mediation can be very threatening to these people.

One respondent mentioned that parallel mediation is sometimes done, for example, by services, as well as by family members, in order to solve the problem. When the victim chooses to return to his/her family in the end, service providers can find it frustrating. Identifying the right person for mediation is also difficult. Using interpreters, imams or family members was recognised as problematic. These members of the community can work as deterrents to victims to stepping forward. Moreover, they have loyalties towards families and/or communities. At the same time, it was acknowledged that family members might be the only people to whom families are willing to listen and talk.

Many respondents shared their **concerns with regard to the service delivery** that is currently available. These concerns deal mainly with the **attitudes and feelings of professionals, the attitudes and feelings of the communities, and the strategies and activities of the services** themselves.

The feelings and attitudes of communities that obstruct adequate service delivery refer mainly to fears about shelters and their services, as well as the differences in values and norms concerning issues of forced and arranged marriage. Respondents stated that the fear of exposing family problems and putting blame on the family is a barrier to seeking help from services, indicating that they are underused. It should also not be underestimated that taking the step to seek help in a shelter is extremely difficult for victims, especially minors, who have never lived outside a family setting or community.

The threshold to go to services, including the police, was considered high. One respondent believed that for the second and third generations of Turkish and Moroccan communities this might be easier because they know the services better than other communities, such as Pakistanis. Finally, one respondent mentioned that the perception among communities of existing services is not always accurate, due to prejudices or inadequate knowledge.

With regard to the feelings, attitudes and skills of professionals, the respondents expressed a number of concerns. Fears of stigmatising communities, stereotypes about other ethnic communities, cultural relativism, communication problems due to language barriers and/or differences in value systems were all believed to hinder adequate service delivery.

One respondent mentioned that s/he encountered difficulties in sensitising magistrates. Another respondent stated that forced marriages are not questioned by youth magistrates or other professionals due to a lack of arguments to counter them, and the fact that no legal argument is available, seeing as one can marry from the age of 16 onwards.

Deficiencies in the skills of professionals were also noted. One respondent referred to difficulties in assessing the level of danger for a person, diagnosing the situation and taking appropriate action. Moreover, according to a respondent, the curricula of professionals lack instruction in how to deal with diversity in our current society. In this respect, another respondent mentioned that curricula, for example, those of teachers or social workers, do not provide up-to-date and realistic theories, such as the intersectionality approach, and that traditional theories are still very common (for example, the cultural perspective). As a result, the professionals do not have the tools to act appropriately in all situations.

Issues relating to the activities and strategies of services are as follows: long waiting lists, slow response rates, issues with shelters, divorce as a solution to coping with forced marriage, not reaching men and boys, a lack of services for isolated population groups, and the inability to reach target groups for sensitisation efforts.

Several respondents mentioned that some sensitisation activities, such as brochures or campaigns, were not well adapted to the target populations, and that such types of activities should not stigmatise populations. Some respondents criticised the current approach of services as being one-sided.

Shelters are an important aspect of service delivery for victims, yet one respondent mentioned that the provision thereof was ‘a disaster’, and it is even worse for undocumented migrants.

There are not enough shelters, and they are not able to deal adequately with the feelings of isolation and loneliness experienced by victims of forced marriage. Counselling is a problem when language is a barrier. Furthermore, considering that shelters are a short-term solution, no long-term follow-up is put in place, and the reintegration of victims remains problematic. The lack of shelters, and especially the lack of specific care for victims of forced marriage, results in placing victims ‘where there is a place available, which can lead to very distressing situations’, according to one respondent.

A specific concern mentioned by many respondents is related to population groups that are isolated, and are thus difficult to reach. These groups include undocumented migrants (as aforementioned) and newcomers.

Newcomers arriving in Belgium through family reunification sometimes find themselves all alone, without social contacts, not speaking the language, and abused by their partners. The right of residence stipulates that they have to remain with their spouse for three years in order to keep their residence permit. This is considered problematic when the relationship is abusive.

Isolated victims are totally dependent on their partners and therefore do not find their way to services easily. Gaining access to these individuals, as well as to communities that are ‘closed’, and providing them with sufficient solutions is very delicate and difficult, according to one respondent. For instance, the fact that divorce is sometimes proposed as a way out of a forced or abusive marriage that was arranged, meets some problems.

Finally, when it comes to the **development and implementation of policies and laws** regarding forced marriage, many concerns were brought up. Respondents found it problematic that a lot of definitions of forced marriage are circulating. Moreover, distinguishing between forced and arranged marriage was difficult when implementing policies and law into practice. This leads to mixing up types of marriages, or difficulties in proving that an arranged marriage has evolved into a forced marriage.

Another respondent noted that the non-recognition of the complexity of the issue posed a barrier to service delivery. Yet another described the following:

‘Everything is put into one container – fake marriages, forced marriages, arranged marriages, grey and white marriages – as it is all focused on stopping migration. There is a very right-wing discourse that is used around migration and marriage.’

Another respondent acknowledged that when there is no embedded policy supported by a vision on diversity, it will characterise the provision of care, be it preventative or curative, directly impacting the support that is provided to the victim:

‘There is no steering or monitoring body, not only for forced marriage, but for everything that is linked with diversity and intercultural issues. It all depends on the personal commitment of a counsellor or care provider. Most professionals approach diversity issues as they do with the average Flemish family, resulting in a trajectory filled with disasters. There is also no control mechanism, no charter, no commitment declaration, and no minister to make diversity an issue.’

Another respondent mentioned the extreme right-wing migration policy as an influencing factor, believing that stricter rules regarding marriage migration pave the way for forced and arranged marriages, and could lead to an increase in these marriages.

Involving communities in policy development is complex, as communities in which forced marriages take place often consider such policies stigmatising.

Policy implementation was also obstructed by the inadequate exchange of experiences and communication between stakeholders. One respondent stated that the fact that forced marriage is linked to honour-related violence causes problems among professionals who only deal with forced marriage, or only with honour-related violence, and they are not aware of each other’s work. Moreover, migration is dealt with at the regional level of government, and the fact that municipalities decide freely on how strict they can be on marriage migration, causing people to ‘shop’ between cities in order to marry, is not helpful either.

The lack of a circular from public prosecutors on forced marriage results in police zones assuming that it is not a problem in their area.⁴⁵

45 A circular, or COL, details the practical implementation of a law for all professionals in a particular sector.

Respondents mentioned a range of issues and challenges with respect to the available laws and legal framework:

- **Reporting:** One respondent mentioned the discrepancy in numbers between the registered cases by a specialised police unit in Brussels and what people working in the field are noticing and experiencing. The fact that a study on forced marriage in Brussels did not expose the issue to be a problem was considered detrimental. Another respondent stated that many cases are filed under intrafamilial violence or marriages of convenience because ‘it’s the easiest thing to do’. Finally, it was noted that it is highly problematic for a victim to make a complaint if there is no appropriate care for him/her afterwards.
- **Providing evidence:** Difficulties in finding proof and evidence are the reason why forced marriage is rarely treated by jurisdictions, for example, difficulties in providing proof of a lack of consent or the presence of threats, or that a marriage was concluded for residence papers only. Finding witnesses who are willing to testify against the community or family is also challenging. Very often, as respondents mentioned, this results in building cases based on other offences, such as abuse or harassment, whereby forced marriage is only a side issue.
- **Abuses of the legal framework** were also mentioned, as is the case with marriages of convenience and the falsification of documents (for example, birth certificates). What’s more, professional secrecy provisions hinder the exchange of vital information between professionals in cases of forced marriage. Sometimes, different services are involved in working with one family, but they do not know this or cannot exchange information due to professional secrecy.

4.7.2 Gaps influencing service delivery for (potential) victims of forced marriage

Respondents acknowledged several gaps that negatively impact the adequate provision of services for those affected by forced marriage. These are examined in detail in this section.

Knowledge among professionals was considered insufficient, regarding forced marriage in particular and intercultural competencies in general. This lack of knowledge affects a wide variety of professionals, including police officers, community-based organisations, youth welfare services, teachers, social workers, prosecutors and magistrates. This leads to feelings of doubt among professionals, to the non-registration of cases of forced marriage, and ultimately results in ‘amateurish work’, in ‘no one really knowing what to do’, and in ‘dealing with everybody on the same basis, which is not helpful in an intercultural setting’. To summarise, it leads to inadequate action or total inaction.

One respondent mentioned that organisations for youth welfare are afraid to deal with youngsters and parents regarding this issue:

‘They do not want to create any problems and prefer to remain satisfied with the current way of working. Federations of community-based organisations do not take up the issue either, although they could act as the link between service providers and communities.’

The **lack of information and tools for professionals** might be one of the main reasons for this lack of knowledge and, consequently, for deficiencies in service delivery. Information was, according to respondents, notably lacking with regard to: recognising and acknowledging forced marriage, intervention protocols (mediation, how to address the issue, or where to refer in cases of life-threatening situations), the legal framework and the rights of victims.

Professionals also lack the skills needed to deal with intercultural issues and diversity. This was, according to one respondent, due to a lack of education and training:

‘The subject of “interculturality” is optional, something a student can choose to follow in his or her curriculum – if there are not enough students, it is often cancelled – which results in most professionals not being adequately equipped to deal with such issues. For example, psychologists – they are totally idle in the area of diversity. They are strongly focused on the individual, and then these people become coordinators and cannot be convinced to deal with diversity. It is very frustrating.’

The lack of monitoring and evaluation of actions provided within services was mentioned as an issue for appropriate service delivery, as well as the non-registration of cases of forced marriage.

The fact that intervention protocols are non-existent results in professionals fending for themselves. This was considered an element that diminishes the quality of services.

Respondents noted several gaps in services. Some noted the **lack of shelters in general** and the **lack of specialised and secure shelters with proper accommodation for minors**. Mainstream shelters, with women who are victims of intimate partner violence or intrafamilial violence, are not always the best place for young girls. The lack of shelters is problematic. If, for example, a victim refuses to be put in a specific shelter because it is too close to home, she ends up at the bottom of the waiting list. The lack of initiatives for long-term follow-up and reintegration of victims are also items that need to be addressed, according to respondents.

The **lack of any action to deal with child marriages among the Roma** was also quite worrying.

Another gap in service delivery is the **lack of specific psychotherapy for victims** of forced marriage. For the most part, they are dealt with using the therapy for intrafamilial violence.

Service delivery for those who are ‘invisible’ is also missing. As one respondent mentioned, the most serious cases do not come to the attention of service providers, for example, those who are locked up and/or used as house slaves, or those in seriously violent situations. Service providers focus too much on Belgian victims, as they are embedded in the system (school, social networks, etc.).

Some respondents mentioned that the **lack of research** needs to be addressed. For example, measuring the effectiveness of interventions is required, as is an estimation of the prevalence of forced marriage. The lack of numbers might be due to the non-registration of forced marriage, to the complexity of the issue, and to the fact that there is a ‘dark’ number that is very difficult to estimate.

The **lack of coordination at several levels** was also pointed out, specifically between Flanders and Wallonia, which have different viewpoints on forced marriage and dissimilar ways of working. However, one respondent stated that both regions could learn from each other, as their ways of working are complementary. More coordination is also needed in the provision of shelters. Services and professionals also do not coordinate their work, for example, feedback is not provided when different professionals work on one case, and there is a lack of coordination between the various services involved, for example, to follow up with victims or families.

One gap in service delivery that was frequently mentioned was the **lack of sufficient resources** to provide adequate services. This was referred to with regard to the long-term follow-up of victims, as well as in the short term (for example, the need for sufficient personnel for mediation, as this takes time). The fact that respondents indicated that shelters are full or have long waiting lists indicates that there is indeed a lack of resources to provide care for victims. One respondent mentioned that the financial crisis was hindering the work of the police and the municipalities with regard to forced marriage.

Finally, **deficiencies in knowledge among communities** were mentioned. The lack of knowledge about laws on migration, marriage and forced marriage among people who enter Belgium was brought up. This refers to, amongst other things, the fact that the migrating partner can lose his/her residence permit when divorcing within three years. Communities also lack a knowledge of services, for example, how to report violence or where to go for health care, or lack of knowledge of shelters, etc. Youngsters are often ignorant of alternative options when facing a forced marriage. This should also be adequately confronted.

4.8 THE LINK WITH HUMAN TRAFFICKING

Not many respondents established a link between forced marriages and human trafficking. Most often, human trafficking was linked to arranged marriages or marriages of convenience, which involve money (amounts from € 10,000 to € 15,000 were alluded to by a respondent). Trafficking was also considered when marriages are concluded to obtain residence permits or for reasons of prostitution. One respondent mentioned that human trafficking for reasons of prostitution was sometimes linked to marriage, when marriage was necessary to be able to migrate and to obtain a residence permit in Belgium. The phenomena of lover-boys who force girls into prostitution was also mentioned in this respect.

One respondent clearly established a link between trafficking and marriages:

'I believe the strict migration policy here makes people more creative when crossing the borders, and abuse becomes less visible because it is punishable.'

Some respondents stated that the link is apparent when victims are isolated and exploited, for example, when they have to take care of the family, whereas the partner deals with all other things, such as finances, and the victim has no possibility of integration.

One respondent mentioned a case in which she established a clear link between human trafficking and marriage:

'There was the case of a young Albanian girl. A centre for minors referred this girl to me. She had made a complaint to the police for violence. The police protected her and had put her in this centre. A short while after that, the centre contacted me because the girl was going to turn 18. The fear was that she was going to end up in a network of prostitution, as she was going to be sent to Germany. There had been an exchange of money between her father and a man in Germany, apparently to marry her to that man, but there were severe suspicions by the police. They thought she was in real danger. The girl then disappeared. We never received any more news.'

Finally, one respondent was quite outspoken, stating that girls who are forced to marry are victims of human trafficking:

'The link is that the girl is an element of trade. Certainly, in some cases, there is a bride price. There is a form of merchandising at the beginning. The girl is an object. She is considered an object, not a person. [...] They are people of whom no one asks their opinion, who are instruments in the hands of the parents, and who are projects of the parents. [...] If there is no bride price, then still there is the whole question of tradition and honour that has to pass through the girl, the woman. So here you are: she's an object through whom a whole series of values and traditions pass, and she is the instrument of that. She is not considered a person, so, for me, this is human trafficking.'

5

recommendations

The respondents provided a wide range of recommendations to improve prevention, protection, prosecution, provision of services, coordination, etc.

One recommendation that was repeatedly mentioned was the need to **integrate diversity into services**, the minds of service providers, and the public in general. Respondents working with affected communities were especially vocal in their calls for building competencies to deal with diversity, including diverse values and norms, image-building other cultures, intercultural communication skills, context and the background of migration, etc.

One respondent mentioned a need for intercultural competencies in every educational curriculum, and diversity should be included as a transversal theme. All professionals, as well as community-based organisations and federations, need to leave their comfort zones, face intercultural issues and acknowledge the problems arising therefrom. Every service (youth courts, integral youth support, all sectors and services) should be coached and trained in how to deal with diversity.

Another suggestion made by this respondent was the development of a manual or quality criterion to subsidise a service, based on diversity: services need to prove that they take into account diversity issues and how they deal with them, as there is a need for a 'compelling framework' and 'a minister who is committed to pushing for integrating diversity into every service'. There is a need for a framework to which an authority can be held accountable, which stipulates that non-recognition of diversity is not an option.

'Immigration is a structural reality in Belgium, and we need to integrate that, and it has to be part of our work. We need to acknowledge this and recognise specific needs without ethnicising the question too much.'

With regard to **policymaking**, respondents mentioned a need for clear directives for magistrates. In this respect, a circular, or COL, on forced marriage was recommended, either a specific one or one complementary to the COL3 (on intrafamilial violence), which explains forced marriage, the mechanisms behind it, the different behaviours of the perpetrators and the victims, the warning signs, punishments, etc. In this way, forced marriage will become visible. It can be centralised, statistics will be available, and the whole territory of Belgium will be included. At a national level, one respondent suggested that the country needs guidelines or protocols at policy level itself, similar to the policy in the Netherlands.

With respect to the law on forced marriage, one respondent mentioned that a law alone cannot stop this practice. Another respondent backed this up and stressed that legal actions should go hand in hand with respectful interventions towards families and communities. One respondent mentioned that the law on forced marriage could be improved by a provision that the burden of proof should be on the perpetrator, i.e. that s/he did *not* exert any pressure or use violence on the victim. In the case of child marriage, one respondent mentioned that these marriages should always be prosecuted, even when concluded abroad, and that the children involved should be withdrawn from their parental authority.

A lot of recommendations were provided with regard to **improving the reception of (potential) victims**. Respondents acknowledged that providing adequate support and future prospects to victims is important. The problem of sheltering victims was acknowledged (as aforementioned in this section), and respondents said that specialised shelters could be created or existing structures adapted, as long as the victims received proper accommodation and support. For example, extra beds could be made available for young victims.

Social workers already have vast experience that can be expanded to include forced marriage. Respondents suggested that we need to look abroad to learn how it is tackled there, and to assess whether it is possible to incorporate these policies into the Belgian context (for example, in France, it might be easier to create safe havens as it is a huge country, whereas in Belgium, it might be difficult).

One respondent mentioned that those who leave their family to escape forced marriage need to learn how to deal with autonomy and freedom. In this respect, she referred to France, where victims live in families (other than their own), where they can learn how to deal with freedom, autonomy, and where they are well supported and certain boundaries are set without them being left alone, as is the case when they are in a shelter. As one respondent summarised it:

'To reintegrate victims, we need to develop structures, such as specialised centres or reception families, or reference persons, or supervised apartments, but we should also leave space to develop initiatives that are adapted to the local context.'

With regard to **sensitisation, capacity-building and training**, the need to inform and train prosecutors, magistrates and other professionals who are likely to encounter forced marriage, was mentioned several times. Forced marriage should be included in the curricula of professionals, while another respondent stressed that diversity needs to be included in all educational curricula as well. Guidance should be provided to teachers and care providers to assess the risk, to assess whether there is space to negotiate, to determine which individuals can help in mediating.

Sensitisation among communities was also recognised as important. It can be done through schools and specialised organisations, and should focus on norms and values, as one respondent mentioned. Another stipulated that informational materials on forced marriage could also be displayed in the consultation rooms of doctors and in various organisations.

When it comes to **working with communities and victims**, one respondent mentioned that victims need to be identified and protected, and we need to reflect on how this can be done in the best possible way, with what budget, and in which cases action is required. In this respect, the suggestion of working from an intersectional approach is worth taking into consideration:

'It's important to frame certain phenomena in a particular context, in a proper way, and to analyse them in that way. Intersectionality is a very good framework for doing this. It looks at gender norms, ethnicity, age, etc., as different axes that are combined to analyse phenomena. The position of an individual will be different, depending on what axes you take.'

Frequently, respondents mentioned that dealing with forced marriage is not an exact science, and that it can only be dealt with on a case-by-case basis. Each case needs to be analysed individually, every time. There is no routine treatment in cases of forced marriage. Each situation requires a detailed analysis. A respondent mentioned that even when working on changing attitudes about the school attendance of minor Roma girls, it was important to consider each case individually and not to generalise, as not all Roma force their children to marry.

When working with victims, one respondent stressed the need to build capacity towards autonomy, to take responsibility and not rely on others. (Potential) victims should be given all possible options. The importance of an engagement period prior to marriage was also suggested in the work towards communities. Another respondent thought it important to empower individuals to act in their own interests, instead of the interests of a group, as is often the case in Turkish and Moroccan communities.

The Quran was also suggested as a means of finding arguments to counter forced marriage, and Islam could be referred to, according to one respondent, as a channel to help parents who are trying to find a way out of forced marriage.

Parents should be empowered, for example, mothers in standing up for their daughters and fathers in sharing responsibility for the education of their children. Parents should also be empowered to explain to their children all the aspects involved when choosing a partner from their country of origin.

A respondent suggested that small-scale initiatives with low thresholds could be set up, such as discussion groups with parents and/or members of the communities on how to deal with the expectations and pressure from the environment regarding marriage, where personal feelings regarding marriage can be shared, where inter-ethnic marriages can be de-problematized, etc. Another respondent suggested that parents should be aware and accept that children cannot be controlled entirely, as their personality is also shaped by school, friends, the environment, etc.

In working with victims, the need to find long-term solutions was expressed by many respondents. For example, in Roma communities, traditions can be adjusted, but it will take time, as one respondent said. Another respondent stated that changing behaviour takes several generations, hence the need for long-term strategies. Also, when it comes to supporting, monitoring and following up victims, this requires a long-term approach, and it should be acknowledged that this is costly. The **need to increase resources** was therefore frequently mentioned, in order to stop forced marriage and provide appropriate care for victims.

Tailor-made **mediation** as a strategy to work with victims was suggested, not only at crisis moments, but on a regular basis. It was also suggested that intercultural mediators should be included from the very beginning, when assessing the problem. If these mediators could help service providers in making referrals, help would be much more efficient. Criteria for mediators were also suggested, and included the following: a respectful attitude towards communities, respect from communities, being known in the communities, having wide networks in the communities, etc.

Finally, with regard to the work with communities, one respondent stressed the fact that prevention, not migration policy, should be prioritised:

'I think we should work here and not necessarily close our borders. [...] Belgium increased the conditions for family reunification. The criteria are more and more demanding. I think that is a problem, a concrete problem related to finding solutions regarding marriage issues. I think we need to work on prevention, to try to develop good actions for victims or potential victims. We need to work with parents, with families because mostly, they are in difficulty, and they only find this solution [forced marriage] to deal with their problems. [...] We need to invest in prevention. It is really our priority. We need to take care of victims, but we also need to build the capacities of youngsters to negotiate with parents [...] avoid stigmatisation.'

The **need for better coordination** was also expressed. This could be done by either developing new initiatives or by building on existing structures, as one respondent stated. Examples of a reference person and a special coordination mechanism were mentioned. Such a reference person could follow up a case all the way through and be the liaison between all the people involved. One respondent stated that there is a need for better coordination between Flanders and Wallonia, and that campaigns should be the same in both parts of the country. One suggestion to enhance coordination was to design one package, one framework:

'In the end, the ethnic minorities in Belgium are not new. There have been various suggestions done in Paula D'Hondt's report, a report that is old now, but we still do not have – at Flemish level, at least – a framework, for example, in education and youth support services and so on, a framework with accredited translators and interpreters, intercultural mediators, experts who are available to email or to call to discuss cases, for supervision moments, and so on, and that all those things are in one package, in one training [course]. Is that so difficult to organise? I do not think so. Does it cost that much money? I do not think so. [...] I think this is really the challenge for the future, for the service provision, and I do not know when politicians will wake up or [if they] can be woken up.'

Some respondents mentioned that more should be done to detect and report cases of forced marriage. Suggestions were made to create **low-threshold initiatives to report cases**.

The **non-judgmental attitude** of professionals and volunteers when dealing with cases of forced marriage was frequently mentioned. In order to tackle this, one respondent suggested working on prejudices regarding marriage migration by explaining the deeper meanings of this complex issue, so that prejudices do not hinder adequate and early care.

More research is needed, according to two respondents, in order to evaluate mechanisms that are put in place, for example, the special police units, and to provide figures. These figures will provide a better understanding of the risk factors and will provide evidence to negotiate with policymakers and funders. However, research is also necessary to acquire an overall view of forced marriage, and to obtain knowledge on the effects of actions on its evolution.

Socio-economic factors are key in emancipation and integration, according to one respondent. Therefore, as some respondents stressed, **enhancing education and labour-market prospects** for migrants is important, in order to avoid drastic measures (for example, victims who need to flee to shelters, or removing children from their parental authority). In the case of Roma communities, it was suggested that alternatives should be considered for minor mothers to attend school. At the same time, as some respondents stressed, the issue of early school-leaving among the Roma should be addressed strictly and laws should be applied.

Various experts mentioned the importance of **sharing knowledge and expertise**, not only in Belgium, but also with neighbouring countries.

Finally, one respondent stated that the issue of forced marriage should be dealt with from a **human-rights perspective**, as every individual has the right to choose his or her partner freely.

ACKNOWLEDGMENTS

This research and report would not have been possible without the assistance of the respondents that were willing to provide their time to reflect on the topic of forced marriage. We would also like to thank the following persons for assisting in this study: Johannes Decat, Aurore Guieu, Emilomo Ogbé, Yrrah Van der Kruit, Noor Van Gampelaere, Bart Vanbrabandt, and Lucy Deegan Leiriao for editing the document.

5.3. To understand the institutional context, social environment and cultural perceptions regarding forced and child marriage in Morocco (Objectives 2 and 4)

The changes in the social and legal framework surrounding sexual and reproductive rights in Morocco since 2004 seemed very promising to target violence against women in particular. Yet studies indicate that the rates of child marriage and violence against women in general remain high. Understanding how the legal and policy framework at the institutional level intersects with prevailing social and cultural norms provides insights into risk factors for forced and child marriage occurring in Morocco.

Individual semi-structured interviews were conducted with stakeholders in Morocco who come into contact or deal with child and forced marriage, among which health care workers, legal professionals, teachers/academics, NGO and government representatives. Experts from multiple backgrounds and professions provide insights from various angles and frames of reference.

In addition to the stakeholder interviews (primary data), secondary data was also generated for the analysis. Sources of secondary data included academic papers, government and NGO reports, various legal documents and media reports.

Paper

2. **Sabbe, A.**, H. Oulami, W. Zekraoui, H. Hikmat, M. Temmerman, and E. Leye (2013) "Determinants of Child and Forced Marriage in Morocco: Stakeholder Perspectives on Health, Policies and Human Rights." *BMC International Health and Human Rights*, 13(43).

RESEARCH ARTICLE

Open Access

Determinants of child and forced marriage in Morocco: stakeholder perspectives on health, policies and human rights

Alexia Sabbe^{1*}, Halima Oulami², Wahiba Zekraoui², Halima Hikmat², Marleen Temmerman^{3,4} and Els Leye¹

Abstract

Background: In Morocco, the social and legal framework surrounding sexual and reproductive health has transformed greatly in the past decade, especially with the introduction of the new Family Law or Moudawana. Yet, despite raising the minimum age of marriage for girls and stipulating equal rights in the family, child and forced marriage is widespread. The objective of this research study was to explore perspectives of a broad range of professionals on factors that contribute to the occurrence of child and forced marriage in Morocco.

Methods: A qualitative approach was used to generate both primary and secondary data for the analysis. Primary data consist of individual semi-structured interviews that were conducted with 22 professionals from various sectors: health, legal, education, NGO's and government. Sources of secondary data include academic papers, government and NGO reports, various legal documents and media reports. Data were analyzed using thematic qualitative analysis.

Results: Four major themes arose from the data, indicating that the following elements contribute to child and forced marriage: (1) the legal and social divergence in conceptualizing forced and child marriage; (2) the impact of legislation; (3) the role of education; and (4) the economic factor. Emphasis was especially placed on the new Family Code or Moudawana as having the greatest influence on advancement of women's rights in the sphere of marriage. However, participants pointed out that embedded patriarchal attitudes and behaviours limit its effectiveness.

Conclusion: The study provided a comprehensive understanding of the factors that compound the problem of child and forced marriage in Morocco. From the viewpoint of professionals, who are closely involved in tackling the issue, policy measures and the law have the greatest potential to bring child and forced marriage to a halt. However, the implementation of new legal tools is facing barriers and resistance. Additionally, the legal and policy framework should go hand in hand with both education and increased economic opportunities. Education and awareness-raising of all ages is considered essential, seeing that parents and the extended family play a huge role in marrying off girls and young women.

Keywords: Child and forced marriage, Morocco, Women's rights, Sexual and reproductive health, Violence

* Correspondence: alexia.sabbe@ugent.be

¹ICRH - International Centre for Reproductive Health, Faculty of Medicine & Health Sciences, Ghent University, De Pintelaan 185 UZP114, 9000 Ghent, Belgium

Full list of author information is available at the end of the article



Background

In the last decade, the social and legal framework surrounding sexual and reproductive health in Morocco has seen a profound transformation. The reform of the Family Code or Moudawana in 2004 ends Moroccan women with groundbreaking rights that were previously unheard of. Its predecessor was based on conservative Islamic family law traditions, which included provisions such as the wife's obedience to her husband and the husband's right of repudiation [1,2]. The new Moudawana, however, stipulates that spouses have equal rights and duties in the family, establishing a right to divorce for women, eliminating the requirement for women to have the consent of a marital guardian (*wali*) to marry and granting women more rights in the negotiation of marriage contracts [3]^a. Also, in an attempt to bring the occurrence of child and forced marriages to a halt, the minimum age of marriage for girls was raised from 15 to 18 [4]^b. Nevertheless, in the years following the adoption of the Moudawana, questions were raised by several NGO's and human rights groups concerning its application, especially in the area of child marriage. Although the minimum age for girls was increased, the new Family Code does present the opportunity to ask a judge to authorize marriage before the age of 18^c. Few of the applicants are male^d. This loophole is increasingly being used to marry off girls, often as young as 15.

Effectively, with the new Family Code, child marriage was placed under control of the magistrates. In order to grant a child marriage, the law requires not only a medical and psychological exam of the child, but also a social inquiry into the reasons for marriage [5]^e. Yet, despite the fact that underage marriage should remain an exception, it seems to almost have become the rule.

The rates of child marriage have risen steadily in the years following the introduction of the new Moudawana. In 2007, 33,596 underage marriages were allowed to take place [6]. Figures released by the Ministry of Justice for the year 2010 reveal that 41,098 child marriages were authorized. Compared to 2009, this represents a 23,59% increase [7]. With the judiciary approving over 90% of petitions, the practice of child marriage in Morocco is effectively upheld^f.

Forced marriage is recognised as a human rights abuse, violating a number of international human rights norms, including the rights to freely enter into marriage, and to bodily and sexual integrity. As early as 1948, the right to free and full consent to a marriage was stipulated by the Universal Declaration of Human Rights^g, acknowledging that consent cannot be free and full when one of the parties is not sufficiently mature to make an informed decision, as is the case with child marriage [8]. The most widely ratified United Nations Convention on the Rights of the Child (CRC) defines a

child as anyone under the age of 18 years^h, based on ideas of universalised notions of maturity [9]. Child marriage is explicitly mentioned in a number of international human rights instruments, most notably in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which states that the "betrothal and the marriage of a child shall have no legal effect"ⁱ. However, many countries legally allow young people between the ages of 16–18 to marry with parental consent, which raises questions regarding the concepts of childhood and marriage across cultures [10]. This brings to light the difficulties in defining forced marriage and child marriage. While child marriage is generally included in the scope of forced marriage [9,11], it should be noted that the primary concern lies in the incidences of forced child marriage, where explicit or implicit pressure is exerted. Research shows that young people under 18 are at a higher risk of forced marriage [12]. Most of these marriages are set up by parents and girls rarely meet or get to know their future husband before the wedding [13]. In a forced marriage, at least one of both parties is coerced into a marriage against their will and under duress. In contrast, an arranged marriage is characterized by the fact that parents or relatives introduce the spouses but both parties give their full and free consent to the union. Therein lies the difference with forced marriage [14]. However, in practice it can become difficult to accurately determine at what point emotional pressure becomes great enough to implicate genuine force in order to distinguish between forced and arranged marriages [15,16].

The overall prevalence of forced marriages is difficult to estimate, as victims rarely come forward. The practice is mostly hidden and incidences of forced marriage go underreported [17]. Figures for child marriage are easier to come by, seeing that the spouses' ages at the date of marriage, allows for the numbers of child marriages to be quantified. This offers an objective benchmark to assess the evolution with regards to girl's and young women's rights.

Forced marriage and child marriage have considerable detrimental health and social consequences. These unions hinder educational development and limit opportunities, seriously affecting their economic status. Quite often it exposes them to a lifetime of domestic violence and abuse as they lack standing and power within their households [18]. Several studies confirm wide age gaps between younger married women and their spouses. This age gap clearly creates unequal power relations between the young bride and her older and more experienced husband, resulting in husbands having total control over sexual relations and decision-making [18]. Since most brides are socially conditioned not to question the authority of their husbands, they are often

unable to use contraception or to plan their families. The combined effect of these factors may also make brides more likely to tolerate partner violence and not leave abusive husbands [19].

Forced marriage and child marriage in particular bring about a wide range of health consequences, of which girls and young women bear the greatest burden. Forced sexual intercourse can lead to gynaecological problems. Associations have been found between coerced first sexual intercourse and genital tract symptoms [20]. Studies also report significant associations between sexual abuse and sexually transmitted infections, bacterial vaginosis, abnormal vaginal discharge, and psychological and mental disorders [21]. Due to their bodies being not fully developed, mothers under the age of 18 years experience higher rates of maternal mortality and higher risk of obstructed labour, postpartum haemorrhage and sepsis [13,22,23]. Pregnancy related deaths are among the leading causes of mortality for 15–19 year old girls worldwide [24]. Those who give birth under the age of 15 are five times more likely to die as compared to women in their early 20s [25]. Young women and girls forced into marriage are additionally exposed to a greater risk of HIV infection [22]. Research suggests that in some settings 15- to 19-year old married girls have higher rates of HIV infection than their sexually active unmarried peers [26–28]. However counterintuitive this seems, Clark et al. [28] suggest that married girls in any setting may be more vulnerable to HIV infection because, in trying to prove their fertility, girls have high-frequency, unprotected sexual intercourse with their spouse. The husbands are often much older men, which increases their chances of having contracted HIV through previous sexual partnerships or polygamous unions [13,28].

Considering the levels of physical and psychological abuse frequently associated with forced marriage, the issue is perceived as a form of violence against women [29]. Recent figures from a study conducted by the Moroccan High Commission for Planning (HCP) reveal that women who married without consent are almost three times more likely to experience partner violence, including sexual violence, in the domestic household. Moreover, younger married women, from 18–24 years, experience a higher rate of violence than married women between 35–39 years [30]. Effects of violence during pregnancy include delayed prenatal care, sexually transmitted infections (STIs), vaginal and cervical infections, kidney infections, miscarriages and abortions, premature labour and foetal distress [31]. Another study conducted by a national network of counselling centres in Morocco indicates that minor girls are increasingly experiencing gender-based violence, of which sexual violence figures most prominently at 28%, compared to physical violence in 21% of the cases [32].

Concerns are rising in Morocco over these rates of violence against women and the swelling numbers of child marriages. The goal of this research study is to explore perspectives of a wide range of professionals on factors that contribute to the occurrence of child and forced marriage in Morocco.

Methods

Research design

A qualitative approach was used to generate both primary and secondary data for the analysis. The primary data entailed the use of in-depth interviews, whereas sources of secondary data included academic papers, government and NGO reports, various legal documents (new Family Code, Penal Code and the new Constitution) and media reports.

Individual semi-structured interviews were conducted with stakeholders who come into contact or deal with child and forced marriage, among which health care workers, legal professionals, teachers/academics, NGO and government representatives.

A snowball sampling strategy was used. Recruitment was focused on key-persons and key-organisations specialized in violence against women, and forced and child marriage. First-wave participants were suggested by our local contact, the law department of the University Mohammed V in Rabat. In turn, these first-wave participants indicated other potential participants. Stakeholders were recruited in 3 distinct areas in Morocco (Rabat, Casablanca and the Marrakech region). These areas were chosen as they harbour a large concentration of professionals working on the issue, and multiple (national) NGO's and women's rights networks in Morocco. Additionally, a number of stakeholders have experience of working in urban and rural areas throughout the entire country.

Interviews were conducted with 22 of the 41 stakeholders that were approached who have firsthand experience of forced and child marriage. Research by Guest et al. demonstrated that saturation, the point at which no new information or themes are observed in the data, occurred within the first twelve interviews [33]. A sample size of 20–30 interviews should, therefore, suffice when the aim is to understand perceptions and experiences among a group of stakeholders working on the same common theme.

Within the group of participants, there were 3 teachers/academics, 5 health care workers, 3 lawyers, 3 government representatives and 8 NGO representatives. Interviews were carried out between March 2011 and March 2012.

A semi-structured interview schedule, consisting of open-ended questions, was used. Questions explored participants' knowledge, experience and views on forced marriage, including current policies, guidelines and recommendations to improve tackling the issue. Participants were also asked to identify obstacles in

preventing child and forced marriage, and barriers to meeting the needs of girls and young women. Ideas expressed in the secondary data and in earlier interviews, were discussed in subsequent interviews.

Interviews were held in French or Arabic. Audio recordings were transcribed and transcripts of Arabic interviews were translated into English.

The purpose of the study and the terms regarding recording of the interview and anonymity were explained at the beginning of each interview before obtaining the participants' consent. This study received ethical approval from the Ethics Board within the Faculty of Medicine & Health Sciences of Ghent University; and was exempted from ethical approval by the Comité d'Ethique pour la Recherche Biomédicale of the Faculty of Medicine and Pharmacy of Université Mohammed V in Rabat, Morocco.

Data analysis

Thematic qualitative analysis was conducted, in which patterns or themes within the data are analysed and reported using a thematic framework [34]^j. The framework approach allowed comparison by theme [35]. Two authors independently scrutinized transcriptions, field notes and documents, and common themes amongst the data were identified. Extracts of data from the interviews (primary data) and literature (secondary data) were categorised under the initially developed themes.

These two authors compared notes, reconciled any divergence and independently reviewed the transcripts. Findings were consecutively discussed between all first-hand data collectors.

As participants' verbatim comments are used, they have been anonymised to protect participants' identities. Participants' quotes are presented with the research ID assigned during the study (f.ex. Participant 1, 2, etc.).

Results

Four major themes arose from the data: (1) the legal and social divergence in conceptualizing forced and child marriage; (2) the impact of legislation; (3) the role of education; and (4) the economic factor.

Legal and social divergence in conceptualizing forced and child marriage

Participants were very vocal in condemning forced and child marriage, comparing it to rape and remarking on its pervasive nature across age and social class.

"This type of marriage is child rape; that is to say, her life has been raped by means of this marriage."
(Participant 16 – health care worker)

"There are people from disadvantaged sectors, Berbers, whose ages do not exceed 16 and with an exceedingly

low level of education, just as there are wealthy, highly educated families, whose marriage age sometimes exceeds 26 and who are still subjected to this type of treatment. Sometimes we find that even the family has become a victim of coercion, and we are obliged to support both the girl and her family together."
(Participant 22 – lawyer)

Yet, from a legal vantage point, academic and legal participants drew attention to the "impossibility" of a forced marriage. In accordance with the law, the marriage contract must always be signed by both spouses, so, consistent with prevailing laws, forced marriage as such could not exist.

"There is pressure, often from the family, that is a given. But once there is a signature, suggesting an agreement to the marriage, the contract is valid. Without consent the contract is void, and therefore the marriage has never taken place." (Participant 3 – academic)

This highlights the difficulties in conceptualizing a forced marriage^k. Depending on the circumstances, it is difficult to determine whether or not the union was entered into freely. It is clear-cut in the case of physical violence actually denying a person's freedom of consent. Yet, feelings of anxiety and fear can overrule any resistance to a marriage, leaving a person vulnerable and unable to escape the union.

"When women and girls are approached, they either deny or often don't respond to the question if the marriage was forced. In light of prevailing law on marriage, consent is fundamental, so it's problematic to regard the union as forced in these cases."
(Participant 2 – academic)

In the case of child marriage, the lack of maturity makes consent impossible. For that reason, authorizing an underage marriage should remain exceptional and treated with delicacy. As pointed out in the introduction, official figures tell a whole different story: child marriages authorized in family courts are increasing. To justify or explain this trend, a few participants referred to situations in which judges want to protect young girls from stigma, or provide the opportunity for a "better" life abroad.

"When faced with social taboos, such as loss of virginity or pregnancy, judges usually grant authorization to go through with the marriage. Otherwise it would be extremely detrimental to the girl's status" (Participant 14 – government representative)

"Sometimes the girls standing in front of the judge are extremely convincing that they want to marry this Moroccan partner living abroad, usually in Europe. The media plays a huge role in presenting and instilling the belief in the European dream. It's difficult for magistrates to turn down their request. In Morocco, everyone wants to leave. The images of the perfect life abroad bear on their impressionable minds and therefore, often, make them 'impressionable' to foreigners." (Participant 2 – academic)

Participants from women's rights organisations and health care facilities acknowledge the so-called *legal pragmatism* that magistrates are confronted with, yet point out that the social reality paints a whole different picture. Instead, health professionals and women's advocates in the field believe that judges repeatedly rule in a manner that is inconsistent with the progressive spirit of the law. Whereby appearing to protect the individual, often their patriarchal visions of the family unit motivate their decision [1]. This might be influenced by the fact that the majority of the judges are male and married [27]. Statistics of the Ministry of Justice confirm that only a minority of judges perform the medical and psychological exam or social inquiry into the reasons for marriage, despite this investigation being called for by law¹.

"Frequently we observe that the judge contents himself with a personal evaluation based on the physical appearance of the girl. If she looks medically fit for marriage and, from a social point of view, is capable of running a household, the judge agrees to the marriage." (Participant 21 – lawyer).

"We deal with girls as young as 14, which is well below the minimum age stipulated in the Moudawana. Often there is an element of deceit: when girls look much older than their age, the judges don't blink an eye." (Participant 15 – health care worker)

Since the decision to grant an underage marriage cannot be reversed^m, judges seem to be taking matters firmly into their hands. The only other way to get out of the marriage is to divorce. Whereas this is perfectly possible on paper under the new provisions of the Moudawana, women and girls will often prefer to stay in a forced marriage than divorce. This is due to all the difficulties that the status of divorce brings about.

"Divorce rarely offers solutions for women. They have limited means to support themselves, let alone their

children, and there's a lot of stigma attached to it." (Participant 5 – NGO representative)

"By calling for and encouraging divorce, feminist militants might do more harm than good." (Participant 2 – academic)

Participants pointed out that unmarried women are not considered to have any rights and are abandoned by their families. Unwed mothers, and their children, are among the most legally and socially marginalized people in Morocco [4]. This reality is what women face on a daily basis.

"It is a very serious issue socially and in the public conscience." (Participant 8 – government representative)

Participants from the health care sector also pointed to the perpetuating vicious cycle of forced marriage, spanning several generations.

"Forced marriage is in itself a risk factor for [further] forced marriage. It has a considerable psychological impact of which children are the victims. Especially if the ensuing divorce means that the child must leave school." (Participant 17 – health care worker)

"Deteriorating health in the victims of forced marriage affects not only the children of the marriage, but the (extended) family at large." (Participant 9 – NGO representative)

Impact of legislation

Despite the *revolutionary* spirit of the new Family Code, the application of its provisions is still not presenting sufficient guarantees and protection 8 years after its introduction. Participants alluded to the prevailing patriarchal mentality throughout all layers of society.

"A woman's identity has historically been linked to men. New laws or codes will not change that fact from one day to the next." (Participant 1 – teacher)

"Despite the fact that the Family Code (Moudawana) sets forth a collection of articles, these do not go far enough in addressing what is required. It should not set forth any terms of marriage that do not radically tackle the problem of forced and child marriages, rather than doing so in a haphazard fashion." (Participant 20 – lawyer)

Nevertheless, several participants underscored the importance of a legal provision, stressing that the constructive far-reaching effects of the new Family Code in the long term cannot be underestimated.

"If you have legal provisions in place and a legal document to fall back on, you can fight for your right and build on it. It's a base, a foothold." (Participant 3 – academic)

Yet, the law is sometimes put aside, due to ignorance or social practices¹¹ firmly embedded in the patriarchal structure in pockets of society. The result is an engrained unawareness among girls and women of their rights.

"In rural areas, many child marriages escape from being included in the Ministry of Justice' statistics. These marriages take on the form of a simple 'Fatiha' (declaration), remain unregistered, and transform girls into married women without them even being aware of it." (Participant 9 – NGO representative)

Additionally, the Penal Code criminalizes all sexual relationships, including consensual, outside of marriage. As a result, the topics related to sexuality are social taboos that people avoid approaching, especially with young people [36]. Regarding sexuality, teachers also adopt attitudes engrained in traditional values of decency, characterized by their religious faith, which hampers the spread of knowledge on sexual and reproductive health [37].

"With sexual relations outside of marriage being considered illegal and an offence, the knowledge on sexual and reproductive health remains substandard." (Participant 7 – NGO representative)

"Because of social stigma, we don't discuss these things. Many boys and girls do not receive sexual education." (Participant 13 – NGO representative)

Alarming, among the factors that increase the risk of forced marriage, participants referred to legal provisions. Besides being a compelling instrument to enhance lives, Moroccan law also has the power to harm. Article 475 of the Moroccan Penal Code, spurred on by the illegality of sexual relations outside of marriage, gives free reign to a forced marriage, thus legalizing the crime. When an underage girl is raped, the perpetrator can escape punishment and a prison sentence by marrying the girl. An aggressor used this legal escape route earlier this year, after which Amina, a 16-year old rape victim from Larache, committed suicide in March 2012. The highly mediated incident resulted in mass protest in front of parliament and court buildings throughout the country [38,39].

"Rights of women and girls are being raped by unjust Moroccan laws. It's basically ongoing institutional rape." (Participant 12 – NGO representative).

The role of education

The role of education is paramount. In all of the interviews, reference was made to the importance of knowledge. Adult literacy rate is 56,1% for the general population aged 15 years and older. The overall female adult literacy rate is lower at approximately 43,9%, compared to men at 68.9% [40]. In the younger generation (15–24 years), literacy rates have risen steadily in the past 10 years. Nevertheless, boys and young men in this age group still outrank girls and young women by 86,7% to 72,1% [40]. Boys also outnumber girls in primary net enrolment rates [41].

Educational attainment is an important determining factor of marriage and adolescent childbearing. The number of women in Morocco who have had five years or more of schooling drops dramatically among women who married before the age of 20 [42]. Over 70% of this group only attended school between 0 and 4 years [42].

"It all comes down to education, in the family from early childhood onwards, the primary level of education, and the defining secondary years of schooling." (Participant 1 – teacher)

"Education is the best prevention for forced marriage and child marriage. But according to a national study, approximately 80% of public schools in the Moroccan countryside have no water or electricity." (Participant 8 – government representative)

Education starts at home, with the parents, grandparents and extended family. With illiteracy rates higher among older generations, sensitization and outreach activities about the detrimental effect of a forced child marriage should also be aimed to increase knowledge among girls' and boys' relatives. Paternal control issues frequently came up in interviews, stemming the girls' freedom of expression and forcing them into marriage. It was mentioned that uncles and aunts have the right to intervene with the same authority as that of the father. Several participants emphasized *parental authority* in general, equally drawing attention to mother's roles in marrying their children off, both for economic and social reasons.

"We have also dealt with maternal authoritarianism, especially intense among educated mothers. This brings to mind a case I experienced in the city of Tangiers, a mother who had decided to marry off her daughter to the son of a friend and business partner, since she stood to profit from this relationship in the field of business which she ran together with her friend. They were therefore married by force." (Participant 20 – lawyer)

“One of the difficulties in handling forced marriage cases is dealing with mothers. They have an engrained belief in paternal authority and the need for a girl to be married. They are ruled by fear that their daughter might be rejected by society otherwise.” (Participant 6 – government representative)

A number of participants called for the schools to work in conjunction with the home front, by involving the extended family and *“convincing them that the life of a girl is her property”* (Participant 22 – lawyer). Participants believe schools can offer protection by speaking with parents and helping the girls psychologically. For that aim, several professionals dealing with victims resolutely stated that *“school committees”* should be empowered to conduct outreach activities and to intervene (Participants 15 – health care worker; 18 – teacher; 22 – lawyer).

Forced marriage and child marriage is an emanation of firmly fixed beliefs in masculine authority. Women, especially in the older generation, would never question the superiority of the husband. Consequently, men have been raised to be number one by their mothers, grandparents, social surroundings, etc. Girls were educated to be nice, docile and subservient. So when women challenge their status, it will initially bring about resistance and sometimes violence. (Participant 9 – NGO representative)

Participants call for the school system to take gender-based violence into account. Moreover, as a number of participants claimed, gender inequality appears to be embedded in education:

“Symbols of male power emanate from the King onwards and downwards into our educational system. In our workshops with school children, for example, one of the boys stated «I’m happy not to have sisters, otherwise I’d have to look after them and control them».” (Participant 8 – government representative)

“The school system perpetuates the social construction that is thousands of years old where the male figure is superior, even though she might think she’s emancipated. Victimization is still ongoing in all areas: sexual, economical, etc.” (Participant 2 – academic)

This is corroborated by a study on gender bias in Moroccan schoolbooks, which reviewed textbooks in Morocco for human rights and gender equality [43]. The research, conducted in cooperation with the Moroccan Ministry of National Education, concluded that few female authors were used either in the development of the

textbooks or referenced within them^o. Publishers also tend to select women as textbook authors for subject matters like home economics, thus reaffirming gender stereotypes [43]. Furthermore, teachers are almost exclusively male, especially in rural schools [44].

“Girls, and boys for that matter, are educated in a system that recognizes male supremacy.” (Participant 7 – NGO representative)

Initiatives are being taken by NGO’s and women’s associations to organise awareness-raising events, to reinforce capabilities of women and girls, to expose belief systems and self-limiting patterns and to reconstruct their identities based on equality. All this takes time and money. Resources are limited however; so most organisations focus more on assistance as a curative measure, providing a listening ear, legal aid, mediation and health expertise. The importance of including men in the approach was recognized by all of the participants. This need was also identified at government level. One academic participant referred to the recently established ‘Master of Gender and Public Policy’ at the University Mohammed V in Rabat, a course that examines the subject of violence in depth, in order to deconstruct fixed views and explore the factors that lead to gender-based violence in the first place. The study programme, the first of its kind in 2009, is a scheme that was set up in partnership with the Ministry of Solidarity, Woman, Family and Social Development for the advancement of national expertise on the topic of gender equality and for the promotion of gender mainstreaming in the country.

Not only formal education will limit the risk of forced marriage, according to several participants it is up to the media, and especially the television, which figures prominently in households, to bring awareness and sensitization.

“Nowadays, television is a central part of every home in Morocco. Using this medium constructively, information and knowledge can be spread to members of several generations simultaneously, both male and female alike. Outdated concepts could be obliterated in a short time, with limited resources.” (Participant 11 – NGO representative)

The economic factor

Participants from women’s organisations and NGO’s view women as agents of grassroots change. Yet it is repeatedly mentioned that education alone is not enough.

“Education goes hand in hand with economic development. Only a very encompassing approach will ultimately lead to greater results.” (Participant 7 – NGO representative)

For example, participants reported that most judges in Family Courts authorize underage marriages for economic reasons, especially if the region is poorer. There was also mention of a strong link between economic development and sexual and reproductive rights.

"A woman with an income has more power in the relationship. She can exercise her rights to contraception and family planning." (Participant 3 – academic)

A compelling tool for women upon entering marriage is the marriage contract. With the new Moudawana, women were granted more rights in the negotiation of marriage contracts.

"A marriage contract, negotiated before tying the knot, is a good initiative to raise awareness and empower women at a very basic level by educating them on their rights and by safeguarding them economically in the ensuing marriage". (Participant 4 – NGO representative)

Participants pointed to the current job market as a compelling barrier for economic advancement and independence. Formal education does not automatically guarantee a job in today's economy. Therefore, lots of young men and women aspire to immigrate to Europe.

"The youth have now adopted a new vision as a result of satellite television and the immigration culture, as well as technology." (Participant 22 – lawyer)

This, in turn, has an impact on marriage.

"The marriage market has taken on a transnational element, as many young girls dream of tying the knot with a Moroccan husband living in Europe." (Participant 2 – academic)

The overall sentiment among participants was that legislation has advanced, yet the economic development still lags behind. This is especially the case for women, who are more illiterate than men. Economic inequalities also form the basis for less education, perpetuating a vicious cycle and resulting in less awareness about basic sexual and reproductive rights. However, several participants also call for legal amendments to support women's economic independence seeing that the Moudawana did not eliminate gender discrimination in the inheritance system.

"Despite far-reaching reforms some years ago, economic discrimination is still part of Moroccan law. This is most notable in the provisions regarding

inheritance, which states that a woman receives only half of what her brother receives. This perpetuates the vicious cycle of economic insecurity." (Participant 3 – academic)

Favourable factors, such as schooling and legal amendments should have decreased the number of forced and child marriages. Nevertheless, several participants faced a rising amount of instances in the past years, predominantly in more deprived regions, pointing to a possible link between socio-economic hardship and the risk of being forced into wedlock. By marrying off his daughters, fathers can not only lessen the financial burden on the household, but also receive a dowry in exchange, both of which act as an incentive [2,45].

"Especially in certain areas of the country, notably in the Greater and Lesser Atlas, the phenomenon is growing steadily. Girls are married off after they reach the age of 12 or 13, and these children have absolutely no power over what the families or village notables may or may not decide. The socio-economic status of this group is frequently precarious. This type of marriage will result in problems that even the law is unable to resolve." (Participant 20 – lawyer)

Discussion

The findings indicate that the application of the new Family Code, 8 years after its implementation, still faces a number of barriers and resistance. Proof of this is the staggering number of child marriages that are approved by the courts [46]. Similar to other studies [46-48], our research lays bare an underlying conservative attitude in applying the law, which goes against the very spirit of the Moudawana. Lack of guidelines for those in charge of applying the new Family Code could be partly responsible, given that the law did not guarantee any training of the judiciary in its new provisions [1]. Yet, article 54 of the Moudawana further underscores the exceptional nature of child marriage, stating that all possible measures to guarantee the children's natural development must be taken, thereby protecting their physical and psychological integrity. Too often are girls considered 'of age according to the Sharia' by both magistrates and relatives alike [5]^p. The Moudawana itself might be partly responsible for this trend. The last article provides judges with general guidelines, stating that the judge should turn to the principles of justice and equality under Morocco's Malekite school of Islam when there is doubt or when the law does not provide an answer [1]^q. Judges' personal views of marriage and the family tend to be the grounds for their rulings instead of the law. In response to the situation, the Ministry of Justice adopted the legal system reform program (2009-2012),

which, amongst others, aims to achieve a number of 1500 trained judges and ongoing training sessions for magistrates [49]. More specifically geared towards the Family Court magistrates, the American Bar Association Rule of Law Initiative (ABA-ROLI) worked with the Institut Supérieure de la Magistrature (national judicial training center), judges, prosecutors and academics to develop an interactive e-learning curriculum on the Moudawana, which includes units on gender equality under international human rights law and Islam [1].

So, overall, the patriarchal underpinning in Moroccan society seems unlikely to disappear in the near future [46]. The institute of marriage remains a cornerstone of society and is held in such high esteem in the public consciousness that *unmarried women and men are considered a threat to the social order* because their sexuality would risk provoking social chaos [2,4,45,50]. As a result, despite the Moudawana's provisions, individual women still do not necessarily have freedom from familial and community-based pressures [2].

The recent adoption of the new constitution in July 2011, firmly establishing the principle of equality between men and women for the first time in Moroccan history, raised expectations that there should be no more room for misapplication of the Moudawana's provisions [3]. The fact that sexual relations outside of marriage are illegal, and abortion is criminalized as a public morality offense, considerably affects people's attitudes, health and access to their rights^f. Morocco also does not recognize that violence against women is a public health problem. Therefore it was not included in the priorities of the Ministry of Health's strategy in 2008, nor in 2010 [47]. The legal prohibition of sexual relations outside of marriage, and the spotlight on virginity or female intactness upon marriage, also limits the spreading of knowledge on sexual and reproductive health [4].

There is seemingly a contradiction in the fact that participants regard education as paramount to prevent forced marriages, yet also point out the fact that forced and child marriages occur in every level of society, regardless of age or educational levels.

This apparent paradox lays bare the difference between theoretical knowledge, often done through disseminating information or awareness raising activities, and empowerment. The latter goes much further and reaches a point when merely knowing about one's rights becomes a true foothold and tool that is utilized in an effective manner. In several interviews this surfaced as girls' and women's self-worth. One NGO representative phrased it as *"her innate confidence to seek solutions, rather than maintain the status quo"*. (Participant 5 – NGO representative) The importance of self-worth cannot be underestimated as a pivotal factor for standing

up for one's rights. It transmutes the victim-paradigm into that of an actor. Often this is linked to economic opportunities as well. By holding a job and earning an income, women's self-confidence is raised, which, in turn, leads to greater self-worth. Taken as a whole, the factors education and economics must be addressed together, as they are linked in a vicious self-perpetuating circle. Nonetheless, public opinion about women's place in society still portrays a far from egalitarian society. When considering education, 58,3% of men and 42% of women believe that university-level studies are more important for men than for women [46]. Of all the men and women who were surveyed, 86,9% of both men and women believe that men should be given preference over women when seeking employment [46]. Notwithstanding, Morocco has achieved substantial gains in education in recent years. Major improvements were especially notable among rural girls and women. In the age category 15–21 the proportion of females who had ever attended school reaches 73%, representing a significant increase compared to rural women aged 22–29, where only 40% of this age group had ever seen the inside of a classroom [51]. The crux appears to be at the transition from school to the job market. Women face many more obstacles than men. In a World Bank survey, 30,6% of young women stated that they were unwilling or unable to work because their husbands do not allow it, while another 23,3% were forbidden by their parents. On top of that, another 22,9% reported that they were too busy with household chores to work [51]. Vast numbers of women appear to be discouraged from entering the workforce, making them dependent on male relatives or husbands, thus further hindering them to fully exercise their decision-making power with regards to sexual and reproductive health.

On the whole, seeing that the objective of this research study was to explore factors that compound the problem of child and forced marriage in Morocco, the influence of context on a macro-level scale emerges as paramount. Factors on this level include education, economy and the prevailing policy framework, such as legislation. Of these three factors, the participants repeatedly referred to the new Family Code or Moudawana as having the greatest impact on advancement of women's rights in the sphere of marriage, yet simultaneously recognizing that recurring resources and attention are needed to ensure that women actually enjoy equality in the family [1]. Adding to its importance, the Moudawana is spilling over into the public sphere, as women's organisations and civil society continuously shape the public debate around it. As a result, the Penal Code is under review and the new 2011 Constitution now incorporates the principle of equality between men and women. Most importantly, an NGO-drafted bill on violence against

women was submitted to the Secrétariat Général du Gouvernement in early 2010 [3,52]. Considering the results of the 2011 national study on violence against women, which revealed that nearly 62,8% of the 9.5 million women surveyed had suffered an act of violence in the preceding 12 months, action cannot be taken soon enough [3]. This same study shows that women who married without consent are almost three times more likely to experience partner violence, including sexual violence [30]. Amina's suicide in March 2012, after being forcibly married to her rapist, has grasped media attention and put further pressure on the Moroccan government to act.

If all of the above-mentioned proposed measures are implemented properly, with the necessary awareness surrounding the new legislation, it could signal a shift in public perception, effectively condemning the continuation of child and forced marriage. Yet, it remains to be seen how far the government will effectively go, as one participant summarizes the present situation: *"Despite Morocco being recognized as a good example and a 'best practice' on women's rights in the region, lots of issues are not being tackled. Single mothers and their children are discriminated as they are not considered to have rights as a family, and gender-based violence is a serious concern."* (Participant 8 – government representative)

Conclusions

The study provided a comprehensive understanding of the factors that compound the problem of child and forced marriage in Morocco. From the viewpoint of professionals, who are closely involved in tackling the issue, policy measures and the law have the greatest potential to bring child marriages and forced marriage to a halt. However, the implementation of new legal tools is facing barriers and resistance. Additionally, the legal and policy framework should go hand in hand with both education and increased economic opportunities. Education and awareness-raising of all ages, in conjunction with the use of popular media, is considered essential, seeing that parents and the extended family play a huge role in marrying off girls and young women. Schools should be empowered to work with both students and the home front.

Overall, preventive action seems to be overlooked in favour of curative measures. Due to lack of funding and resources, women's associations and NGO's are only able to offer assistance to those who actively seek help. A large group of potential victims of child and forced marriages is thereby overlooked. In the long run, investing more in prevention would reduce the detrimental effects to victims and families, thereby lessening the burden on society in general, especially health costs and psychological effects on women.

Endnotes

^aThe new Moroccan Family Code or Moudawana entered into force on February 5, 2004.

^bArticle 19 Moudawana [53]. For boys, the age limit to enter into marriage was always set at 18 years.

^cArticle 20 Moudawana [53].

^dRequests for underage boys to marry comprise only a tiny fraction of the totality. In 2007 this category represented 0,98% of all official demands [54].

^eArticle 20 Moudawana stipulates that the Family Affairs Judge in charge of marriage may authorize the marriage of a girl or boy below the legal age of marriage, in a well-substantiated decision explaining the interest and reasons justifying the marriage, after having heard the parents of the minor who has not yet reached the age of capacity or his/her legal tutor, with the assistance of medical expertise or after having conducted a social enquiry [53].

^fIn 2010, the approval rate was 92,2% [6].

^gArticle 16(2): "Marriage shall be entered into only with the free and full consent of the intending spouse".

^hArt. 1 CRC: "For the purpose of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." (adopted by the UN General Assembly in 1989). Morocco ratified the Convention on the Rights of the Child (CRC) in 1993.

ⁱArticle 16(2) CEDAW (adopted by the UN General Assembly in 1979). Morocco ratified the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) in 1993. In addition, article 21(2) of the African Charter on the Rights and Welfare of the Child (1990) requires states to prohibit child marriage and to adopt legislation "to specify the minimum age of marriage to be 18 years". However, Morocco is not a member of the African Union and is not a signatory to the African Charter on the Rights and Welfare of the Child.

^jThe thematic framework is arranged according to certain features/characteristics, based on the heuristic model developed by Hooghiemstra, which encompasses structural macro-level factors as well as the role of social networks (meso-level) and personal characteristics (micro-level).

^kSee the 'Background' section for more information on the prevailing concepts of forced marriage and child marriage.

^lFigures demonstrate that of all the requests for underage marriage 31,05% performed a social inquiry (*investigation*), 43,49% carried out a medical and psychological exam (*expertise*), and only 25,47% did both the social inquiry and medical/psychological exam [54].

^mArticle 20 Moudawana further stipulates that *the decree granting the petition to marry for a minor who has not reached the age of legal capacity for marriage is not open to appeal* [53].

¹⁰Unregistered marriages referred to as 'Fatiha' are so named because they are solemnised by recitation of the first or opening chapter (the Fatiha) of the Koran and celebrated in a gathering. The woman is given away by her father, or in his absence by his nearest male relative. A Fatiha marriage is not legally recognized, nor does it fulfil the criteria of a valid marriage set by article 5 of the Moudawana.

¹¹At the primary school level, the reference to female authors is limited to 5% in comparison to male authors. This percentage is even lower at the junior high school level, which shows references of only 3% for female authors [43].

¹²The Sharia is Muslim or Islamic law, drawn from the Qu'ran. It is a comprehensive framework of rules, regulating not only the spiritual sphere, but every detail of life. By becoming a member of the Organization of the Islamic Conference in 1969, Morocco is not just a Muslim country in the cultural sense, but is also adherent to Sharia law.

¹³Art. 400 Code de la Famille ('Moudawana'), Bulletin Officiel No. 5358 (6 Oct. 2005) [53]. The Malekite school is one of the four schools of religious law within Sunni Islam. It is followed by approximately 35% of Muslims, notably in North and West Africa.

¹⁴See articles 490–491 Code Pénal 1962 and articles 449–458 Code Pénal.

Competing interests

The study is part of a larger research project funded by the Flemish Interuniversity Council (VLIR) - Institutional University Development Cooperation. The authors assure the absence of competing interests.

Authors' contributions

AS contributed to the study design, collection of data, analysis and manuscript writing. MT and EL supervised the study process from design to manuscript editing, and critically reviewed the manuscript for intellectual content. HO participated in the collection of data and analysis. WZ and HK assisted in the data collection. All authors read and approved the final manuscript.

Acknowledgements

The authors thank all participants for their valuable time and input. We are also very grateful to all who reviewed this paper, among others A. La Velle and L. Dumba.

Also a special thanks to Prof. Benradi at the Université Mohammed V in Rabat for her assistance.

Author details

¹ICRH - International Centre for Reproductive Health, Faculty of Medicine & Health Sciences, Ghent University, De Pintelaan 185 UZP114, 9000 Ghent, Belgium. ²AEDF - Association El Amane pour le Développement de la Femme, Avenue Ben Noussair, Sidi Youssef Ben Ali, Marrakech, Morocco.

³WHO - World Health Organization, Geneva, Switzerland. ⁴Faculty of Medicine and Health Sciences, Ghent University, Ghent, Belgium.

Received: 23 January 2013 Accepted: 18 September 2013

Published: 16 October 2013

References

1. Zoglin K: Morocco's Family code: improving equality for women. *Hum Rights Quart* 2009, **31**(4):964–984.

2. Eisenberg AM: Law on the books vs. Law in action: under-enforcement of Morocco's reformed 2004 Family Law, the moudawana. *Cornell Inter Law J* 2011, **44**(3):693–728.
3. Human Rights Council: *Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice*. United Nations, New York: Mission to Morocco; 2012 [A/HRC/20/28/Add.1]
4. Bordat SW, Kouzzi S: *Legal Empowerment of Unwed Mothers: Experiences of Moroccan NGOs*. Rome: Legal Empowerment Working Papers International Development Law Program; 2009.
5. Ligue Démocratique pour les Droits des Femmes (LDDF), Centre d'Information et d'Observation des Femmes Marocaines (CIOFEM): *Enquête sur les rapports sociaux de genre dans la région de Larache. L'an 1 du nouveau Code de la Famille. Quel statut socio-juridique pour les femmes?*. Casablanca: LDDF-CIOFEM; 2006.
6. Haut-Commissariat au Plan: *Les indicateurs sociaux du Maroc en 2011*. Rabat: Direction de la Statistique; 2011. http://www.wmaker.net/myhpc2011/downloads/Indicateurs-sociaux_t11880.html.
7. Salaheddine A: *Droits de la femme: 41.098 actes de mariage de mineures en 2010*. Maroc: Aujourd'hui; 2012. http://www.aujourd'hui.ma/maroc-actualite/societe/droits-de-la-femme-41.098-actes-de-mariage-de-mineures-en-2010-96337.html.
8. UNICEF: *Early Marriage: A Harmful Traditional Practice: A Statistical Exploration*. New York; 2005. http://www.unicef.org/publications/files/Early_Marriage_1210.pdf.
9. Gangoli G, McCarry M: *Child marriage or forced marriage? South Asian communities in north east England*. *Child Soc* 2009, **23**(4):418–429.
10. Bunting A: *Stages of development: marriage of girls and teens as an International Human Rights issue*. *Soc Leg Stud* 2005, **14**(1):17–38.
11. Rude-Antoine E: *Forced Marriages in Council of Europe Member States. A Comparative Study of Legislation and Political Initiatives*. Strasbourg: Directorate General of Human Rights; 2005.
12. Hester M, Chantler K, Gangoli G, Devgon J, Sharma S, Singleton A: *Forced Marriage: The Risk Factors and the Effect of Raising the Minimum age for a Sponsor, and of Leave to Enter the UK as a Spouse or Fiancé(e)*. London: Home Office; 2007.
13. Nour N: *Child marriage: a silent health and human rights issue*. *Rev Obstet Gynecol* 2009, **2**(1):51–56.
14. Gangoli G, Chantler K: *Protecting victims of forced marriage: is age a protective factor?* *Fem Leg Stud* 2009, **17**:267–288.
15. Phillips A, Dustin M: *UK initiatives on forced marriage: regulation, dialogue and exit*. *Pol Stud* 2004, **52**(3):531–551.
16. Anitha S, Gill A: *Coercion, consent and the forced marriage debate in the UK*. *Fem Leg Stud* 2009, **17**(2):165–184.
17. Samad Y, Eade J: *Community Perceptions of Forced Marriage*. London: FCO (Foreign and Commonwealth Office); 2002.
18. Jain S, Kurz K: *New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs*. Washington DC: International Center for Research on Women; 2007.
19. Otoo-Oyortey N, Pobi S: *Early Marriage and Poverty: Exploring Links for Policy and Programme Development*. London: Forum on Marriage and the Rights of Women and Girls; 2003.
20. Koenig MA, Zablotska I, Lutalo T, Nalugoda F, Wagman J, Gray R: *Coerced first intercourse and reproductive health among adolescent women in Rakai Uganda*. *Int Fam Plan Perspect* 2004, **30**(4):156–163.
21. Khawaja M, Hammouy N: *Coerced sexual intercourse within marriage: a clinic-based study of pregnant Palestinian refugees in Lebanon*. *J Midwifery Womens Health* 2008, **53**(2):150–154.
22. Nour N: *Health consequences of child marriage in Africa*. *Emerg Infect Dis* 2006, **12**(11):1644–1649.
23. Hampton T: *Child marriage threatens Girls' health*. *JAMA* 2010, **304**(5):509–510.
24. UNICEF: *State of the world's Children*. New York; 2011. http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf.
25. UNFPA: *State of the World Population 2005. The Promise of Equality: Gender Equity, Reproductive Health and the Millennium Development Goals*. New York; 2005. http://www.unfpa.org/swp/2005/pdf/en_swp05.pdf.
26. Auvert B, Buvé A, Ferry B, Caraël M, Morison L, Lagarde E, Robinson NJ, Kahindo M, Chege J, Rutenberg N, Musonda R, Laourou M, Akam E, Study Group on Heterogeneity of HIV Epidemics in African Cities: *Ecological and individual level analysis of risk factors for HIV infection in four urban populations in sub-Saharan Africa with different levels of HIV infection*. *AIDS* 2001, **15**(Suppl 4):S15–S30.

27. Clark S: **Early marriage and HIV risk in Sub-Saharan Africa.** *Stud Fam Plann* 2004, **35**(3):149–160.
28. Clark S, Bruce J, Dude A: **Protecting young women from HIV/AIDS: the case against child and adolescent marriage.** *Int Fam Plan Perspect* 2006, **32**(2):79–88.
29. Gangoli G, Chantler K, Hester M, Singleton A: **Understanding Forced Marriage: Definitions and Realities.** In *Forced Marriage. Introducing a Social Justice and Human Rights Perspective.* Edited by Gill A, Anitha S. London: Zed Books; 2011:25–45.
30. Haut-Commissariat au Plan: *Enquête Nationale sur la Prévalence de la violence à l'Égard des Femmes.* Rabat; 2011. http://www.hcp.ma/downloads/Violence-a-l-egard-des-femmes_t13077.html.
31. Ellsberg M, Heise L: *Researching Violence Against Women. A Practical Guide for Researchers and Activists.* Washington DC: World Health Organization, PATH; 2005.
32. Menara: *Mariages de mineures: une souffrance vécue dans le silence;* 2012. <http://www.menara.ma/fr/2012/07/04/63757-mariages-de-mineures-des-victimes-de-violences-sexuelles-puis-conjugales-favorisees-par-les-lacunes-du-code-penal-rapport.html>.
33. Guest G, Bunce A, Johnson L: **How many interviews Are enough? an experiment with data saturation and variability.** *Field Methods* 2006, **18**(1):59–82.
34. Hooghiemstra E: **Migrants, partner selection and integration: crossing borders?** *J Comp Fam Stud* 2001, **32**(4):601–626.
35. Ritchie J, Lewis J: *Qualitative Research Practice: A Guide for Social Science Students and Researchers.* London: Sage; 2003.
36. Siham A: *Moroccan Agency Supports Sex Education.* Magharebia: Rabat; 2011.
37. Sabah S, Boujemaa1 A, Salah-Eddine K, EL Abboudi T, Berger D: **Sexuality education: analysis of Moroccan teachers' and future teachers' conceptions.** *US-China Educ Rev* 2013, **7**(8):28–36.
38. Bruneau C: *Le Maroc choqué après le suicide d'une jeune fille violée.* Le Figaro; 2012. <http://www.lefigaro.fr/international/2012/03/15/01003-20120315ARTFI00733-le-moroc-choque-apres-le-suicide-d-une-jeune-fille-violee.php>.
39. Timjerdine F, Bennaceri S: *Suicide de l'adolescente Amina: l'enfance violée face au règne de l'impunité.* A fait Maroc; 2012. <http://www.aufaitmaroc.com/maroc/societe/2012/3/16/suicide-de-l-adolescente-amina-lenfance-violee-face-au-regne-de-limpunite>.
40. Haut-Commissariat au Plan: *Les indicateurs sociaux du Maroc 2010.* Direction de la Statistique; 2010. http://www.wmaker.net/myhcp2011/downloads/Indicateurs-sociaux_t11880.html.
41. UNICEF: *At a glance: Morocco statistics.* http://www.unicef.org/infobycounty/morocco_statistics.html.
42. Yavuz S: *Changes in Adolescent Childbearing in Morocco, Egypt and Turkey.* Calverton MD, USA: Demographic and Health Research Working Papers, United States Agency for International Development; 2010.
43. Human Rights Education Associates (HREA): *HREA Presents Results of Study on Gender Bias in Moroccan Schoolbooks.* HREA-Moroc, Casablanca; 2005. http://www.hrea.org/index.php?doc_id=496.
44. Sadiqi F: **Gender Perceptions in Moroccan Culture.** In *Cultural and Civilisational Realities.* Edited by Azzouzi A. Paris: L'Harmattan; 2008:165–189.
45. Benradi M, M'chichi HA, Ounnir A, Boukassis MM, Zeidguy R: *Le Code de la famille. Perceptions et pratique judiciaire.* Morocco: Friedrich Ebert Stiftung, Fes; 2007.
46. Desruets T, Moreno Nieto J: **The development of gender equality for Moroccan women - illusion or reality?** *J Gend Stud* 2009, **18**(1):25–34.
47. Fédération de la Ligue Démocratique des Droits des Femmes: *Rapport de la Fédération de la Ligue Démocratique des Droits des Femmes.* Maroc: Examen Périodique Universel; 2012. http://lib.chchr.org/HRBodies/UPR/Documents/session13/MA/FLDDF_UPR_MAR_S13_2012_LaFederationdeLaLigueDemocratiquedesDroitsdesFemmes_F.pdf.
48. Sadiqi F: **The Central Role of the Family Law in the Moroccan Feminist Movement.** *British J Mid East Stud* 2008, **35**(3):325–337.
49. Ministère de l'Economie et des Finances: *Gender Budget Report. Finance Bill for Fiscal Year 2012.* Rabat: Ministère de l'Economie et des Finances; 2012.
50. Flah L: *'Bayrat' or 'Spinsters, Single Women Trapped in Social Stigma.* Morocco World News; 2012. <http://www.moroccoworldnews.com/2012/08/52406/bayrat-or-spinsters-single-women-trapped-in-social-stigma/>.
51. World Bank: *Kingdom of Morocco.Promoting Youth Opportunities and Participation.* Washington DC: World Bank; 2012.
52. Global Rights and The Advocates for Human Rights: *Challenges with addressing domestic violence in compliance with the Convention Against Torture.* Joint written statement submitted pursuant to ECOSOC Res. 1996/31, 47th Session of the Committee Against Torture (31 October - 25 November 2011). Morocco. http://www.theadvocatesforhumanrights.org/uploads/final_shadow_report_to_cat_re_morocco_response_to_dv_oct_14_2011_sent_to_geneva_2.pdf.
53. Global Rights: *English Translation (Unofficial) of the 2004 Moroccan Family Law (Moudawana).* Washington-Rabat; 2005. <http://www.hrea.org/moudawana.html>.
54. *Portail Juridique et Judiciaire du Ministère de la Justice et des Libertés du Maroc.* [http://adala.justice.gov.ma/production/statistiques/famille/FR/Mariages%20des%20mineur\(e\)s.pdf](http://adala.justice.gov.ma/production/statistiques/famille/FR/Mariages%20des%20mineur(e)s.pdf).

doi:10.1186/1472-698X-13-43

Cite this article as: Sabbe et al.: Determinants of child and forced marriage in Morocco: stakeholder perspectives on health, policies and human rights. *BMC International Health and Human Rights* 2013 **13**:43.

Submit your next manuscript to BioMed Central and take full advantage of:

- Convenient online submission
- Thorough peer review
- No space constraints or color figure charges
- Immediate publication on acceptance
- Inclusion in PubMed, CAS, Scopus and Google Scholar
- Research which is freely available for redistribution

Submit your manuscript at
www.biomedcentral.com/submit



5.4. To ascertain the determinants of forced and child marriage in Morocco and among the Moroccan communities in Belgium, including the impact of the migratory context (Objectives 3 and 4)

Obtaining a genuine understanding of the conditions, and elements within each context, that are influencing child and forced marriage can only be achieved through dialogue with the involved parties. Therefore a participatory approach is chosen, in which Focus Group Discussions (FGDs), stakeholder interviews and household interviews are central to obtain these objectives.

The decision-making power of women with regards to partner choice, schooling, household influence, etc. is taken into consideration. In order to get a better understanding at the community-level in Morocco and among the Moroccan community in Belgium, women of all ages shed light on factors that contribute to forced and child marriage, its occurrence and possibly actions for prevention.

Moreover, we explored to what extent cultural and religious perceptions have been transferred, or altered, in the migratory context. The impact of migration on practices such as forced marriage and on decision-making processes regarding sexual and reproductive rights has not yet been thoroughly evaluated in these specific settings.

Papers

3. **Sabbe, A., Oulami, H., Hamzali, S., Oulami, N., Le Hijr, F.Z., Abdallaoui, M., Temmerman, M. and E. Leye (2015)** “Women’s perspectives on marriage and rights in Morocco: risk factors for forced and early marriage in the Marrakech region.” *Culture, Health & Sexuality*, 17(2): 135-149.
4. **Sabbe, A., El Boujaddayni, K., Temmerman, M. and E. Leye. (2019)** “Marriage and migration: Moroccan women’s views on partner choice, arranged and forced marriage in Belgium.” *Journal of International Migration and Integration*, 7 January 2019.
<https://doi.org/10.1007/s12134-018-00646-9>

This article was downloaded by: [81.11.177.64]

On: 20 October 2014, At: 07:27

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Culture, Health & Sexuality: An International Journal for Research, Intervention and Care

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/tchs20>

Women's perspectives on marriage and rights in Morocco: risk factors for forced and early marriage in the Marrakech region

Alexia Sabbe^a, Halima Oulami^b, Somia Hamzali^b, Najia Oulami^b, Fatima Zehra Le Hjour^b, Mariam Abdallaoui^b, Marleen Temmerman^c & Els Leye^a

^a Faculty of Medicine and Health Sciences, International Centre for Reproductive Health, Ghent University, Ghent, Belgium

^b Association El Amane pour le Développement de la Femme, Marrakech, Morocco

^c World Health Organization, Geneva, Switzerland

Published online: 09 Oct 2014.

To cite this article: Alexia Sabbe, Halima Oulami, Somia Hamzali, Najia Oulami, Fatima Zehra Le Hjour, Mariam Abdallaoui, Marleen Temmerman & Els Leye (2014): Women's perspectives on marriage and rights in Morocco: risk factors for forced and early marriage in the Marrakech region, *Culture, Health & Sexuality: An International Journal for Research, Intervention and Care*, DOI: [10.1080/13691058.2014.964773](https://doi.org/10.1080/13691058.2014.964773)

To link to this article: <http://dx.doi.org/10.1080/13691058.2014.964773>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever

or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

Women's perspectives on marriage and rights in Morocco: risk factors for forced and early marriage in the Marrakech region

Alexia Sabbe^{a*}, Halima Oulami^b, Somia Hamzali^b, Najia Oulami^b, Fatima Zehra Le Hjjir^b, Mariam Abdallaoui^b, Marleen Temmerman^c and Els Leye^a

^aFaculty of Medicine and Health Sciences, International Centre for Reproductive Health, Ghent University, Ghent, Belgium; ^bAssociation El Amane pour le Développement de la Femme, Marrakech, Morocco; ^cWorld Health Organization, Geneva, Switzerland

(Received 4 October 2013; accepted 9 September 2014)

Despite the introduction of the new Family Law, or *Moudawana*, in Morocco, effectively raising the minimum age for marriage, the number of girls being forced into wedlock is rising. This increase has been a source of concern from a women's rights perspective. The present study explored women's experiences and perspectives in relation to factors that contribute to the occurrence of child and forced marriage in Morocco. Using a participatory approach, focus-group discussions and in-depth interviews were held with women in both urban and rural settings in the greater Marrakech region. Overall, 125 women, between 18 and 69 years of age, participated in the study. Our findings highlight the need for more open dialogue between (grand) parents and children. Overall, the *Moudawana* is perceived as a considerable step forward for women's rights, yet study findings show that current policy provisions are not effective in abolishing forced marriages. Findings point to the need for a redefinition of the role of organisations, women's associations and other groups, with the recommendation that they focus their future efforts on awareness-raising among older generations and refrain from directly intervening in cases of forced marriage. Sensitisation efforts, including the use of popular media, are crucial to reach members of this older population group, where illiteracy remains widespread.

Keywords: violence against women; sexual and reproductive health; child and forced marriage; Morocco

Introduction

The situation of women in Moroccan society is undergoing groundbreaking change. In particular, the reform of the Family Code, or *Moudawana*, in 2004 profoundly transformed the social and legal framework surrounding sexual and reproductive health. On multiple levels – political, legal and social – the circumstances of women are shifting. Women have a greater presence in the public sphere – particularly in the job market – and they are continuing their education in increasing numbers. This social change is reflected in sociodemographic variables, such as access to education and the declining average number of children per woman (Desrués and Moreno Nieto 2009).

For example, in recent years Morocco has achieved substantial improvements in education. Progress has been most prominent among rural girls and women. In the age category 15–21 years, the proportion of young women who had ever attended school has reached 73%. Compared to rural women aged 22–29 years, where only 40% have ever seen the inside of a classroom, this represents a considerable increase. Nevertheless,

*Corresponding author. Email: alexia.sabbe@ugent.be

37.9% of urban women and 69% of rural women remain illiterate. Compared to illiteracy levels of 18.4 and 41.6% for urban and rural men, respectively, it can be seen that the discrepancy between women and men remains large (Haut-Commissariat au Plan 2010). At primary school level, the drop-out rate for girls is still a concern. Approximately 59% of rural girls and 20% of urban girls do not complete primary school (Desrués and Moreno Nieto 2009). So, despite improvement, progress remains insufficient. This is especially the case for women in rural areas.

The new *Moudawana* was the primary catalyst for change, and its impact on the dynamics of the situation for women in Morocco cannot be underestimated. For the first time in Moroccan history, the law stipulated that spouses have equal rights and duties within the family. Women were granted the right to divorce, the requirement for women to have the consent of a marital guardian (*wali*) to marry was eliminated and women were granted more rights in the negotiation of marriage contracts (Rude-Antoine 2010; Human Rights Council 2012).¹ Most importantly, the minimum marital age for women was raised from 15 to 18 years, with the aim of tackling child and forced marriages (Bordat and Kouzzi 2009).² Several contradictions persist regarding gender equality in the *Moudawana* – the authorisation of underage marriages, below the legal age of 18, being one of them. In justifiable circumstances, the *Moudawana* presents judges with the power to authorise these unions.³ Questions are also increasingly being raised by human rights groups concerning the *Moudawana*'s application, especially with regards to the minimum marital age. Rates of child marriage have risen steadily in the years following the introduction of the new *Moudawana*. In 2007, 33,596 underage marriages took place (Elamri 2012). Figures released by the Ministry of Justice for the year 2010 reveal that 41,098 child marriages were authorised. Compared to 2009, this represents a 23.59% increase (Salaheddine 2012). With the judiciary approving over 90% of petitions, the practice of child marriage in Morocco is effectively upheld.⁴ Despite the fact that underage marriage should remain an exception, it seems almost to have become the rule. Few of the applicants are male.⁵ This loophole is increasingly being used to marry off girls, often as young as 15 years of age.

Forced marriage is recognised as a human rights abuse, violating a number of international human rights norms, including the rights to freely enter into marriage and to bodily and sexual integrity. As early as 1948, the right to free and full consent to a marriage was stipulated by the Universal Declaration of Human Rights (UDHR),⁶ acknowledging that consent cannot be free and full when one of the parties is not sufficiently mature to make an informed decision, as is the case with child marriage (UNICEF 2005). The most widely ratified United Nations Convention on the Rights of the Child (CRC) defines a child as anyone under the age of 18 years.⁷ Child marriage is explicitly mentioned in a number of international human rights instruments, most notably in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which states that the 'betrothal and the marriage of a child shall have no legal effect'.⁸ However, many countries legally allow young people between the ages of 16 and 18 years to marry with parental consent, which raises questions regarding the concepts of childhood and marriage across cultures (Bunting 2005). This brings to light the difficulties in defining forced marriage and child marriage. While child marriage is generally included in the scope of forced marriage (Rude-Antoine 2005; Gangoli, McCarry, and Razak 2009), it should be noted that primary concern lies in incidents of forced child marriage, where explicit or implicit pressure is exerted. Research shows that young people under 18 years of age are at a higher risk of forced marriage (Hester et al. 2007). Most of these marriages are set up by parents, and girls rarely meet or get to know their future husband before the wedding (Nour 2009).

The overall prevalence of forced marriages is difficult to estimate, as victims rarely come forward. The practice is mostly hidden and incidents of forced marriage go under-reported (Samad and Eade 2002). Figures for child marriage are easier to come by, seeing that the spouses' ages at the date of marriage allow for the numbers of child marriages to be quantified. This offers an objective benchmark to assess the evolution of girls' and young women's rights.

Forced and child marriages can have considerable detrimental health and social consequences for girls and young women. These unions hinder educational development and limit opportunities and thereby seriously affect their economic status. Quite often young women in such marriages are exposed to a lifetime of domestic violence and abuse as they lack standing and power within their households, resulting in husbands having control over sexual relations and decision making (Jain and Kurz 2007). Since most brides are encouraged not to question the authority of their husbands, they are often unable to use contraception or to plan their families.

Forced marriages, and child marriages in particular, bring about a wide range of health consequences, of which girls and young women bear the greatest burden. Associations have been found between coerced first sexual intercourse and symptoms of genital tract infections (Koenig et al. 2004). Studies also report significant associations between sexual abuse and sexually transmitted infections, bacterial vaginosis and psychological disorders (Khawaja and Hammoury 2008). Because their bodies are unprepared for childbirth, young mothers experience higher rates of maternal mortality and higher risk of obstructed labour, postpartum haemorrhage and sepsis (Nour 2006; Hampton 2010). Pregnancy-related deaths are among the leading causes of mortality for 15–19-year-old girls worldwide (UNICEF 2011).

Recent figures from a study conducted by the Moroccan High Commission for Planning reveal that women who marry without consent are almost three times as likely to experience partner violence, including sexual violence, in the domestic household. Moreover, younger married women, from 18 to 24 years of age, experience a higher rate of violence than married women between 35 and 39 years (Haut-Commissariat au Plan 2011a). Another study indicates that minor girls are increasingly experiencing gender-based violence, of which sexual violence figures most prominently at 28%, compared to physical violence in 21% of the cases (Menara 2012).

Concerns are rising in Morocco over these rates of violence against women and the swelling numbers of child marriages. Against this background, the goal of the present study was to explore women's experiences and perspectives in relation to factors that contribute to the occurrence of child and forced marriage in Morocco.

Methods

Research design

A qualitative methodology was used, which consisted of both focus-group discussions (FGDs) and individual interviews. Research activities were conducted in the Marrakech region between November 2011 and April 2012. Between 2004 and 2007, the rate of poverty in the Marrakech-Tensift Al Haouz region dropped by 41.8%, which ranks the area amongst those with the sharpest decline in poverty in the country (Haut-Commissariat au Plan 2011b). Unemployment rates in the greater region of Marrakech also fell dramatically between 2010 and 2011: the urban settings in this region represent one of the few urban areas in Morocco where the unemployment rate actually dropped (from 11.4 to 9.7%), and the rural settings in the (larger) Marrakech region demonstrate the strongest decline in

unemployment compared to the national level (from 2.3 to 1.2%) (Haut-Commissariat au Plan 2011b).

Despite this large decrease in the numbers of those in poverty, reports suggest that child marriage in this region is on the increase. Figures point to significantly higher levels (18.94%) of child marriages in Marrakech, compared to other regions (LDDF 2006; Belhaj 2008; Khalloufi 2013). Women in the larger Marrakech region also, in general, continue to demonstrate the lowest age at first marriage (under 25 years) in the country (Haut-Commissariat au Plan 2011b). Together with our partner organisation in Marrakech – *Association El Amane pour le Développement de la Femme* – we identified locations in urban and rural settings to carry out the research. Extending the research to both rural and urban areas allowed the role of context to be explored in greater depth. In each setting, a local women's association was approached and involved in the research activity. The participation of local associations facilitated the recruitment process and ensured that participants had access to a support network if the need presented.

Saturation of qualitative themes is usually reached after at least two FGDs with each group of interest (Guest, Bunce, and Johnson 2006). In total, seven FGDs were held: three in the urban setting of the town of Marrakech and its suburbs and four in rural communities in the region, allowing for a cross-section of participants from a wide range of backgrounds. Two of these rural FGDs took place in communities located approximately 35 km from Marrakech (Loudaya and Tamazozt) and two in communities between 50 and 70 km from Marrakech (Sidi Ezwin and Imlil), incorporating a range of different rural contexts. In addition to the FGDs, interviews were conducted with two or three women in each setting, totalling 19 interviews. These interviewed women did not participate in the FGDs. This allowed for a crosscheck and validation of the data from the FGDs. Interviews lasted for about one hour and focus groups for approximately 90 minutes.

In three of the focus groups, the Intergenerational Dialogue approach was used (GTZ 2005). This particular method was developed to promote constructive and consensual change of harmful practices, such as female genital mutilation and forced marriages. Through local organisations, community-based dialogue is held in which young and old discuss controversial themes such as gender roles, sexuality, traditional values and practices, with mutual respect.⁹

The inclusion criteria for the study were being female, Moroccan and 18 years of age and older. These criteria were laid down in order to capture women's experiences across all age groups and to be able to initiate the Intergenerational Dialogue method. Participants were divided into the following age categories: 18–29 years (young women) and 30–69 years (older women). The Intergenerational Dialogue approach was used in focus groups where both age categories were approximately evenly matched. The remaining focus groups consisted of predominantly older or younger women. In the results section, the setting and predominant age category of the focus groups is indicated, as well as the age of the participants when referring to a specific quote. Only one person per household participated in the research activities, following WHO recommendations on researching violence against women (Ellsberg and Heise 2005). Characteristics of all participants are summarised in Table 1. An overall total of 125 women was included in the study (106 FGDs and 19 interviews).

Prior to data collection, a team comprising four female community workers received training in facilitation and interviewing skills, confidentiality protection and the focus-group and interview guides. A script for the FGDs and a semi-structured questionnaire for interviews were developed to explore perceptions of marriage, partner choice, factors leading to forced marriage and child marriage, preventive aspects (obstacles in preventing child and forced marriage) and decision-making power in relationships. Statements based

Table 1. Profile of participants (from focus-group discussions and interviews).

Overall total (n = 125)	Rural (n = 77, 61.6% of total)			Urban (n = 48, 38.4% of total)		
	18–29 years (n = 36)	30–69 years (n = 41)	%	18–29 years (n = 22)	30–69 years (n = 26)	%
	<i>n</i> (%)	<i>n</i> (%)		<i>n</i> (%)	<i>n</i> (%)	
Illiterate	9 (25.00)	31 (75.61)	51.95	2 (9.09)	16 (61.54)	37.50
Primary school	17 (47.22)	5 (12.20)	28.57	11 (50.00)	3 (11.54)	29.17
Secondary school	8 (22.22)	5 (12.20)	16.88	4 (18.18)	6 (23.08)	20.83
University	2 (5.56)	–	2.60	5 (22.73)	1 (3.85)	12.5
Married	10 (27.78)	35 (85.37)	58.44	8 (36.36)	16 (61.54)	50.00
Unmarried/single	25 (69.44)	5 (12.20)	38.96	14 (63.64)	6 (23.08)	41.67
Divorced	1 (2.78)	1 (2.44)	2.60	–	4 (15.38)	8.33

on the Sexual Relationship Power Scale tool (Pulerwitz, Gortmaker, and DeJong 2000) were included in the semi-structured questionnaire, to which participants expressed their personal level of agreement or disagreement. Ideas and themes expressed in earlier FGDs and interviews were discussed in subsequent interviews.

The FGDs and interviews were held in Arabic or Berber. Audio recordings were transcribed and transcripts of Arabic or Berber FGDs and interviews were translated into Dutch.

The purpose of the study and the terms regarding recording of the group discussion or interview and anonymity were explained at the beginning of every FGD and interview prior to obtaining the participants' consent. This study received ethics approval from the Ethics Board of the Faculty of Medicine & Health Sciences of Ghent University and was exempted from ethical approval by the Comité d'Ethique pour la Recherche Biomédicale of the Faculty of Medicine and Pharmacy of Université Mohammed V in Rabat, Morocco, on the grounds that it is not concerned with biomedical research and does not involve (experimental) interventions on human subjects.

Data analysis

The theoretical model developed by Hooghiemstra (2001) was used to explain marriage dynamics and patterns in the choice of a partner. Besides structural macro-level factors in the wider societal and demographic context, this model also encompasses the role of social networks and family (meso-level) in the more immediate environment and micro-level facets such as personal characteristics (including beliefs) and preferences.

Thematic qualitative analysis was conducted, in which patterns or themes within the data were reported and analysed using framework grids (Ritchie and Lewis 2003). Grids consist of raw data extracted from the interviews and group discussions. This form of data reduction allows for an easily accessible and transparent tool for analysis. Raw data was sorted by theme and placed in the relevant part of the theoretical model through which a conceptual framework of themes and sub-themes was developed, allowing significant factors to emerge. Thematic concepts expressed by a majority of participants were defined as comprising essential domains.

Two authors independently scrutinised transcriptions, field notes and documents and identified common themes among the data. These two authors compared notes, reconciled any divergence and independently reviewed the transcripts. Findings were consecutively discussed between all first-hand data collectors.

As participants' verbatim comments are used in what follows, they have been anonymised to protect participants' identities. Participants' quotes are presented with the research ID assigned to the group or individual during the study (for example, FGD 1, 2, etc. or Participant 1, 2, etc. for interviews) and reference is made to their age (for example, 22 years).

Results

Results are presented according to the themes highlighted in relation to the analytical framework. Six major themes in total arose from the data.

Financial dependence

One of the most quoted factors leading to a forced marriage was financial dependence on the father, or the household in general, which plays a more significant role in poor families. Despite rates of poverty dropping in the region (Haut-Commissariat au Plan 2011b), lack of resources remains a key motive for urging a child to marry before the legal age (Sourgo 2013):

Girls and young women are forced to marry to alleviate the financial burden on the family, so the expenses for the daughter can be cut out of the family budget, which benefits the other children. (FGD 4 – older women and rural setting: 40 years)

Participants repeatedly highlighted the effects of not being able to work or study – two subjects that were often mentioned together:

The father provides for the whole family, so he looks for ways to lessen the financial burden by marrying off his daughter. But the girl should be able to finish her education and work so she can marry on her own accord. (Participant 6: 29 years)

Some fathers believe that investing further in their daughter's education is a waste of money. Even if she does study and get a job, she'll marry and her husband will benefit from her income. So the father thinks it's advantageous for him to marry her off earlier so he doesn't have to pay for her education and the husband has to maintain her from then onwards. (FGD 4 – older women and rural setting: 45 years)

Not only were the effects of being financially dependent on the father made clear, some participants elaborated on its potential detrimental consequences in a subsequent marriage:

If the woman is not working, she has no bargaining power with her husband and dares not argue for fear that he'll divorce her and she'll have to return to her parental home with her children, and fears . . . that she'll be marked as a divorced woman. However, when a woman works, she's stronger and can defend herself. (FGD 3 – intergenerational and rural setting: 23 years)

Customs and social norms

In the spirit of safeguarding the honour of the girl or young woman, and, through her, the honour of the family, forced marriages often occur. Parents 'fear that their daughter will create problems and bring shame on the family' if she remains unmarried for too long (FGD 4 – older women and rural setting: 35 years).

Fathers are vigilant to respect cultural norms whereby a girl may not exceed a certain age for marriage. (FGD 3 – intergenerational and rural setting: 37 years)

Fathers still have this backward notion that if the daughter doesn't marry early on, nobody will ask for her hand in marriage and she'll stay home a spinster, and will not be accepted by

anyone. Even if someone would want to marry her later on, others would not allow him to go ahead with the marriage because of his age, because he should marry a 20-year-old or younger. (Participant 2: 24 years)

They only think about marrying off their daughter and ‘covering her up’ so she doesn’t become a source of shame, or to avoid problems, such as the parents finding out that she has a relationship with someone, or out of fear that she won’t end up married. (Participant 13: 40 years)

According to participants, parents also want to protect daughters from ‘social diseases, such as rape or abduction’, which occur more in rural areas. (Participant 3: 22 years).

Insufficient legal protection

Among participants, there was an overall acknowledgement that the existing legal framework does not suffice or is not enforced properly:

There are no laws protecting girls against their parents and against being forced to marry, sometimes as early as 13 or 14 years. (FGD 3 – intergenerational and rural setting: 18 years)

The woman has no right whatsoever because our legal provisions aren’t strict enough. (FGD 7 – older women and urban setting: 35 years)

Not only was it deemed necessary for existing legislation to be enforced more often (FGD 6 – intergenerational and urban setting), numerous participants also called for the introduction of a law that formally forbids forced marriages (Participant 1: 27 years; Participant 2: 24 years; Participant 5: 26 years). The plea for a specific criminal law against forced marriage is, for the most part, motivated by the accompanying prison sentence and its deterrent effects on forced marriage rates:

If stricter legislation would actually penalise it [forced marriage] with a prison sentence and a monetary penalty, then it is still possible to prevent it. However, at the moment there are [general] laws, but the overwhelming majority of them are not enforced. People do what they want and shove the law aside. (Participant 13: 40 years)

To illustrate the lack of enforcement, participants testified to the presence of corruption with regards to the legal minimum age for marriage:

Some families give money to conclude the marriage more swiftly and before the girl reaches the minimum age. (FGD 3 – intergenerational and rural setting: 39 years)

There are ways to circumvent the law Institutions that conduct the wedding ceremony are bribed in order for marriage to take place at a younger age. (FGD 4 – older women and rural setting: 38 years)

Transgressions occur regarding the legally established minimum age through bribery to speed up the marriage. (FGD 5 – young women and urban setting: 25 years)

At the official signing of the marriage licence, it is ‘apparent that the fathers speak more than the couple [those getting married]’ (Participant 8: 26 years). For that reason, participants suggest making a rule that allows only the future husband and wife to attend the official ceremony, thereby limiting outside interference and encouraging the partners to freely express their opinion in front of the judge or official (FGD 4 and 5; Participant 8: 26 years; Participant 9: 47 years; Participant 12: 32 years).

Role of organisations

In order to prevent forced marriage, participants recognised the importance of women’s associations and non-governmental organisations in raising awareness, while also

providing support to victims. However, according to participants, in the acute phase, when a girl or young woman is being forced into marriage, the initial involvement of organisations should be avoided in favour of other relatives or close family friends who might mediate on her behalf:

If you are a relative or friend, you can argue with her father and convince him not to go ahead with the forced marriage. Whereas, if someone other than a close relative or family friend intervenes, the father or parents will not agree or listen because they'll think that person wants their daughter to remain unmarried, and, consequently, bring shame on the family. (Participant 6: 29 years)

I only help if I know the people, by advising the parents and making them aware of the consequences of forced marriage. Otherwise, if you don't know the family personally, they'll break off all contact and not speak to you again. (Participant 7: 32 years)

The influence of family and friends in preventing forced marriages at the critical phase is paramount, and has more chance of succeeding, as the following respondent testifies:

Someone asked for my niece's hand that she did not like. My sister-in-law and myself formed an obstacle against the decisions of her brothers because she did not want to marry him. Her whole family was committed to her marrying him. We continued to support her until her family finally rejected him. (Participant 9: 47 years)

According to participants, in order to prevent ensuing problems in the relationship between father and daughter, organisations should not seek to threaten the father's authority. If the father's authority remains intact, it can appear as if he made the decision to let his daughter choose whether she wanted to go ahead with the marriage or not. Such a view was expressed as follows: Strangers should not intervene, so the father still has the freedom of choice (Participant 13: 40 years).

The importance of not creating problems for the girl or young woman is strongly emphasised, because 'if she would run into trouble with her parents, she would end up suffering more and so it is therefore better only to intervene if it would help the situation' (Participant 13: 40 years). Participants recognised how crucial it is to maintain a dialogue between parents and their daughter in a respectful atmosphere.

Women's associations, human rights organisations, non-governmental organisations and so on are called upon to take on awareness-raising events and to organise a platform for the exchange of information and, more importantly, for learning from each other. When asked about prevention of forced marriage, participants perceived the need to 'increase the role of organisations by holding information sessions or gatherings to share experiences and to design a better protection mechanism so people can avoid the dangers' of a forced marriage (FGD 4 – older women and rural setting). Peer-to-peer education and sensitisation, by 'getting people to come forward with their problems for others to benefit from them', was recognised as a powerful way to raise awareness and offer practical solutions (FGD 5 – young women and urban setting). Participants highlighted that organisations play a vital role in rendering the topic acceptable for conversation, including through the use of mass media (FGD 2 – intergenerational and rural setting; FGD 6 – intergenerational and urban setting).

The generation gap

Among members of the older generation, a certain submissiveness or acquiescence was noted. They strongly advocated girls and young women accepting their fate and somehow making the forced marriage work. Almost all of these women were illiterate, but came from both rural and urban settings:

In a forced marriage there used to be mutual respect regardless of the presence of minor problems. But in the face of problems, they would try to make the marriage work. This is in stark contrast to forced marriages today. (FGD 3 – intergenerational and urban setting: 40 years)¹⁰

Older women were vocal about listening to the counsel of the fathers and actually following their advice, calling for a girl or young woman to ‘reason with her head more than her heart because fathers have more experience’ (Participant 11: 34 years). The stance of these women essentially suggests that potential victims of a forced marriage should let themselves be convinced by their fathers or older relatives to go ahead with the unwelcome marriage and, above all, convince themselves that they actually want to marry the proposed partner. Preventing problems in the relationship with the father is an important reasoning behind this, in order to avoid what they perceive as ‘greater harm’, claiming that ‘It is better for the girl to cooperate and go ahead with the forced marriage’ (Participant 14: 60 years).

The FGDs in which the Intergenerational Dialogue method was applied demonstrated that members of the younger generation was already more outspoken and aware of their rights, but those at risk do not dare go against the wishes of their parents and older relatives. Unless an older relative or close family friend with some degree of authority or influence supported them, they were often forced into the marriage, effectively allowing this practice to continue.

Effects of forced marriage on the decision-making power in a relationship

The individual interviews, which included some statements from the Sexual Relationship Power Scale tool (Pulerwitz, Gortmaker, and DeJong 2000), demonstrated a strong correlation between a forced marriage and having no decision-making power. Participants were presented with the following statements:

- Most of the time, we do what my partner wants to do.
- My partner has more say than I do about important decisions that affect us.
- My partner tells me who I can spend time with.
- My partner won’t let me wear certain things.
- I have sex if my partner wants me to, even if I don’t want to.

Compared to women who freely chose their spouse, those who declared that they had been forced into their marriage systematically answered ‘yes’ to just about all of the statements. Out of the 19 interviewees, 8 declared that they had been forced to marry. These women end up having barely any say in the relationship. According to them, this is ‘because he’s the man’ (Participant 14: 60 years).

When prompted to clarify the reasons why these women have so little power in their marriages, participants affirm an ingrained belief that ‘the wife must do what the husband wants and she may not disobey, so there won’t be any problems between them’ (Participant 6: 29 years). Moreover, ‘it is important that he controls you so you become like a machine that he operates as he sees fit ... I don’t have the right to decide [about sexual relations]. He decides everything’ (Participant 17: 42 years).

These partner dynamics are a consequence of the overall dependence of women, especially financial dependence, on the male figures of the household, beginning with their father. This helplessness continues after they are married off. In a way, dependency is perpetuated throughout the role transition from daughter to wife: If I would not consent to sexual relations, he could leave me without money (Participant 9: 47 years).

Even some women who declared they were married ‘in a traditional manner’, which was not forced, agreed to a fair amount of statements – for example, claiming that ‘I don’t dress the way I’d like, and sometimes my husband forbids me to go to certain places’ (Participant 12: 32 years).

Discussion

The importance of specifically directing efforts towards the older generation of parents and grandparents emerged as a priority from this study. As a result of the use of the Intergenerational Dialogue method, participants repeatedly emphasised the need for more opportunities to have an open dialogue between parents and children. With young women and girls being pressured by their elders, they frequently do not dare to effectively claim their right to freely enter into marriage.

A literacy rate of 25.7% of the population from the age of 54 years onwards demonstrates that illiteracy remains widespread among the older generations (Haut-Commissariat au Plan 2010). This is mirrored in the participants’ profiles. Over 75% of rural women and 61% of urban women older than 30 years are illiterate. This is in stark contrast to younger women, among whom only 25 and 9% are illiterate, respectively (see Table 1). The need for increased awareness of the detrimental consequences of forced marriages is crucial among the older population group. Research results illustrate that older relatives and close family friends can play a fundamental role in preventing a forced marriage in the acute phase. An initial involvement of women’s associations or organisations was, however, considered to undermine the father’s authority and could be detrimental to the victim. Therefore, participants plead in favour of relatives, other than the parents, and close family friends mediating on behalf of the girl or woman at risk. This allows the relationship between the potential victim and her family to remain intact. On the other hand, women who openly oppose the will of their fathers are subject to intimidation and ostracism from their families, rendering them cut-off and alone in a male-dominated public space (Sadiqi and Ennaji 2006). Instead of directly intervening in cases of forced marriage, participants call for organisations to gear their sensitisation efforts towards the older generations. The use of mainstream media for this aim, such as television and radio, was highly recommended.

Study results illustrate that family size and composition indirectly give rise to forced marriage. This holds true for rural areas in particular. Compared to urban settings, fertility rates in rural households continue to be higher (Desrues and Moreno Nieto 2009; Haut-Commissariat au Plan 2010). Resources must be spread over a larger number of family members, diminishing opportunities to pay for children’s schooling and, as a result, prompting the head of the household (mostly the father) to marry off any daughters at a young age. Additionally, several generations often live together in rural areas, a phenomenon that is more rapidly decreasing in urban settings (Desrues and Moreno Nieto 2009; Haut-Commissariat au Plan 2010). Consequently, grandparents and older relatives have greater influence on household decisions in rural settings. This increases the likelihood of older generations passing on their upbringing to the children in the household. If they, themselves, were forced to marry by their parents, the likelihood of applying this same treatment to the girls and women in the family increases (Sabbe et al. 2013). This underscores the need for awareness and education, primarily among older generations, in order to make them conscious about perpetuating underlying patterns and beliefs.

Closely linked to the above is the significance of family honour, safeguarded through the status and actions of the girl and young woman. In order to prevent shame on the family, the results demonstrate that women are married off at a young age to avoid problems later on, such as pre-marital relationships and rape or abduction. Rates of sexual violence against minor girls are increasing (Menara 2012), therefore parents and older generations are prompted to push their daughters into wedlock, by force if necessary. Furthermore, the fact that sexual relations outside of marriage are illegal and abortion is criminalised as a public morality offence, compels judges to give their approval in order to legalise the situation for pregnant girls (Zoglin 2009; Siham 2011).¹¹ This could, in part, explain the increase in child marriages in recent years.

Taking Morocco's wider contextual policy framework into account, the implementation of the new Family Code has been a major catalyst in the advancement of women's rights in the sphere of marriage (Sadiqi 2008; Eisenberg 2011). Yet participants emphasised that the existing legal framework does not suffice or is not properly enforced. The suicide, in March 2012, of Amina, referred to by a number of participants, offers an irrefutable example of how the legal system falls short in protecting women from forced marriage and sexual violence. Sixteen-year-old Amina had been raped and, subsequently, married off to her rapist. Unable to bear the betrayal and violence in the marriage, Amina decided to take her own life.¹² Article 475 of the Moroccan Penal Code endorsed this forced marriage, effectively allowing the perpetrator to escape punishment and a prison sentence by marrying his underage rape victim. In a society that criminalises sexual relations outside of marriage, the practice was encouraged to avoid family shame. After mass protests to abolish this rule, the Ministry of Justice announced a reform to the highly criticised legal provision in January 2013. However, human rights organisations point out that the Penal Code still contains many provisions that discriminate and do not protect women against violence, such as conjugal rape (Amnesty International 2013; Associated Press Morocco 2013; Le Monde 2013).

Results from the Sexual Relationship Power Scale tool in this study demonstrate that participants who were forced into marriage have little say regarding sexual relations. In effect, it appears that they suffer ongoing conjugal rape in their marriage, for which the law offers no protection due to the fact that conjugal rape is not penalised in the current criminal code. In contrast, pre-marital and extra-marital consensual sexual relations are prohibited and punishable with prison sentences up to one and two years, respectively.¹³

Conversely, participants drew attention to the fact that forced marriage, in itself, is not specifically criminalised as an offence in the Moroccan Penal Code. Moreover, the levels of corruption quoted by participants to circumvent the minimum age for marriage, underscore the sentiment that the law does not offer sufficient protection. To counter this, participants put forward the recommendation of adding a provision to the *Moudawana*, stipulating that only the future husband and wife are allowed to be present at the official signing of the marriage licence in front of a judge or civil servant. Such a measure would effectively limit outside interference, curbing familial pressure at the decisive moment.

Too much emphasis on the macro-level policy framework, however, draws attention away from the vital necessity to target the older population groups and from the need for dialogue between generations. Organisations and associations are faced with the challenge of creating a platform for dialogue and exchange for grandparents, parents and children, while simultaneously increasing the visibility of the topic through the media at large.

Conclusion

Despite the introduction of the new Family Law, or *Moudawana*, in Morocco, effectively raising the minimum age for marriage, the number of girls being forced into wedlock is on the rise. This increase has been a source of concern from a women's rights perspective. This study aims to explore women's experiences and perspectives in relation to factors that contribute to the occurrence of child and forced marriage in Morocco.

The need for more open dialogue between (grand)parents and children was strongly emphasised. Pressure from older generations was reported to be the main determinant of child and forced marriage, even in situations where the victim was well aware of her rights. Sensitisation efforts using television and radio are crucial to reaching this older population group, in which illiteracy remains widespread. The results redefine the role of women's associations, social workers and so on, with the recommendation to focus their efforts on awareness raising among older generations and refraining from directly intervening in (risk) cases of forced marriage. Influential relatives, other than the parents, and close family friends have a greater chance of preventing a forced marriage.

In addition to poverty, the notion of family honour is an important factor for (grand)parents in subjecting their (grand)children to a forced marriage and, moreover, this concept is upheld by the law. Participants pointed to the ineffectiveness of the current legal framework in Morocco, which punishes consensual sexual relations outside of marriage, yet does not criminalise forced marriage or conjugal rape. Participants recommend adding a provision to the *Moudawana* stipulating that only the future husband and wife are allowed to be present at the official signing of the marriage licence, effectively reducing family pressure and interference at the decisive moment.

Overall, despite the fact that the legal framework, and specifically the *Moudawana*, have received much attention as a step forward for women's rights, the reality is that forced and child marriages remain common, at least in this research setting. Targeting the older population groups is a vital necessity. Organisations and associations are faced with the challenge of creating a platform for dialogue and exchange for grandparents, parents and children, while simultaneously increasing the visibility of the issue through the media at large.

Acknowledgements

The authors thank all participants for their valuable time and input. We are also very grateful to all who reviewed this paper, especially A. La Velle, and we thank Prof. Benradi at the Université Mohammed V in Rabat for her assistance.

Funding

We are grateful to the Flemish Interuniversity Council (VLIR) for funding this research [VLADOC grant 2009-04].

Notes

1. The *Moudawana* came into force on February 5, 2004.
2. Article 19 *Moudawana* (Global Rights 2005). For boys, the age limit to enter into marriage was always set at 18 years.
3. Article 20 *Moudawana* (Global Rights 2005).
4. In 2010, the approval rate was 92.2% (Elamri 2012).
5. Requests for underage boys to marry comprise only a tiny fraction of the total. In 2007, this category represented 0.98% of all official requests (Portail Juridique du Ministère de la Justice).

6. Article 16(2) UDHR.
7. Article 1 CRC (1989). Morocco ratified CRC in 1993.
8. Article 16(2) CEDAW (1979). Morocco ratified CEDAW in 1993.
9. Evaluations of this method show that the quality and quantity of communication between the generations improved significantly (GTZ 2005). This study did not include an evaluation of the Intergenerational Dialogue approach. However, research data from the focus groups provide a basis for comparison between focus groups where the method was applied and those comprising only one age category.
10. All older women in this group were illiterate.
11. Articles 490–491 Code Pénal 1962 and articles 449–458 Code Pénal.
12. The following resources provide more information about this incident: <http://www.bbc.com/news/world-africa-17379721>; <http://america.aljazeera.com/articles/2013/11/22/moroccan-teen-marriedtoherrapistcommitsucide.html>
13. Articles 490–491 Code Pénal 1962.

References

- Amnesty International. 2013. *Maroc: la partialité du Code Pénal marocain met les femmes et les jeunes filles en danger*. Amnesty France.
- Associated Press Morocco. 2013. "Morocco to Axe Law Allowing Rapists to Go Free If They Marry Their Victim." *The Guardian*, January 23.
- Belhaj, I. 2008. *L'augmentation du mariage des mineurs inquiète les groupements féministes au Maroc*. Casablanca: Magherabia. Accessed November 14. <http://www.magherabia.com/cocoon/awi/xhtml1/fr/features/awi/reportage/2008/11/14/reportage-01>
- Bordat, S. W., and S. Kouzzi. 2009. *Legal Empowerment of Unwed Mothers: Experiences of Moroccan NGO's*. Legal Empowerment Working Papers, International Development Law Program, Rome.
- Bunting, A. 2005. "Stages of Development: Marriage of Girls and Teens as an International Human Rights Issue." *Social & Legal Studies* 14 (1): 17–38.
- Desrues, T., and J. Moreno Nieto. 2009. "The Development of Gender Equality for Moroccan Women – Illusion or Reality?" *Journal of Gender Studies* 18 (1): 25–34.
- Eisenberg, A. M. 2011. "Law on the Books vs. Law in Action: Under-enforcement of Morocco's Reformed 2004 Family Law, the Moudawana." *Cornell International Law Journal* 44 (3): 693–728.
- Elamri, A. 2012. *Application du Code de la famille. Le mariage des mineures, l'exception devenue une pratique*. Casablanca: Le Matin. Accessed July 2. http://www.lematin.ma/journal/Application-du-Code-de-la-famille_Le-mariage-des-mineures-l-exception-devenue-une-pratique/168566.html
- Ellsberg, M., and L. Heise. 2005. *Researching Violence Against Women. A Practical Guide for Researchers and Activists*. Washington, DC: WHO, PATH.
- Gangoli, G., M. McCarry, and A. Razak. 2009. "Child Marriage or Forced Marriage? South Asian Communities in North East England." *Children & Society* 23 (6): 418–429.
- Global Rights. 2005. "English Translation (Unofficial) of the 2004 Moroccan Family Law." Washington – Rabat. Accessed <http://www.hrea.org/moudawana.html>
- GTZ. 2005. *Generation Dialogue about FGM and HIV/AIDS: Method, Experiences in the Field and Impact Assessment*. Eschborn: GTZ.
- Guest, G., A. Bunce, and L. Johnson. 2006. "How Many Interviews Are Enough?: An Experiment with Data Saturation and Variability." *Field Methods* 18 (1): 59–82.
- Hampton, T. 2010. "Child Marriage Threatens Girls' Health." *JAMA* 304 (5): 509–510.
- Haut-Commissariat au Plan. 2010. *Les indicateurs sociaux du Maroc 2010*. Rabat: Direction de la Statistique.
- Haut-Commissariat au Plan. 2011a. *Enquête Nationale sur la Prévalence de la violence à l'Egard des Femmes*. Rabat: Haut-Commissariat au Plan.
- Haut-Commissariat au Plan. 2011b. *Les indicateurs sociaux du Maroc 2011*. Rabat: Direction de la Statistique.
- Hester, M., K. Chantler, G. Gangoli, J. Devgon, S. Sharma, and A. Singleton. 2007. *Forced Marriage: The Risk Factors and the Effect of Raising the Minimum Age for a Sponsor, and of Leave to Enter the UK as a Spouse or fiancé(e)*. London: Home Office.
- Hooghiemstra, E. 2001. "Migrants, Partner Selection and Integration: Crossing Borders?" *Journal of Comparative Family Studies* 32 (4): 601–626.

- Human Rights Council. 2012. *Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice. Mission to Morocco*. New York, NY: United Nations [A/HRC/20/28/Add.1].
- Jain, S., and K. Kurz. 2007. *New Insights on Preventing Child Marriage. A Global Analysis of Factors and Programs*. Washington, DC: International Center for Research on Women.
- Khalloufi, L. 2013. *Code de la Famille: Le mariage des mineures entre abrogation et obstination*. Casablanca: Le Matin. Accessed April 8. <http://www.lematin.ma/journal/-/180551.html>
- Khawaja, M., and N. Hammoury. 2008. "Coerced Sexual Intercourse Within Marriage: A Clinic-Based Study of Pregnant Palestinian Refugees in Lebanon." *Journal of Midwifery & Women's Health* 53 (2): 150–154.
- Koenig, M. A., I. Zablotska, T. Lutalo, F. Nalugoda, J. Wagman, and R. Gray. 2004. "Coerced First Intercourse and Reproductive Health among Adolescent Women in Rakai, Uganda." *International Family Planning Perspectives* 30 (4): 156–163.
- LDDF (Ligue Démocratique pour les Droits des Femmes). 2006. *Rapport sur l'application du Code de la Famille deux ans après son entrée en vigueur*. Casablanca: LDDF.
- Le Monde. 2013. *Le gouvernement marocain fait un pas vers l'abrogation d'une loi décriée sur le viol*. Le Monde France. Accessed January 21. http://www.lemonde.fr/afrique/article/2013/01/21/le-gouvernement-marocain-fait-un-pas-vers-l-abrogation-d-une-loi-decreee-sur-le-viol_1820305_3212.html
- Menara. 2012. *Mariages de mineures: une souffrance vécue dans le silence*, Casablanca. Accessed July 5. <http://www.menara.ma/fr/2012/07/04/63757-mariages-de-mineures-des-victimes-de-violences-sexuelles-puis-conjugales-favorisees-par-les-lacunes-du-code-penal-rapport.html>
- Nour, N. 2006. "Health Consequences of Child Marriage in Africa." *Emerging Infectious Diseases* 12 (11): 1644–1649.
- Nour, N. 2009. "Child Marriage: A Silent Health and Human Rights Issue." *Reviews in Obstetrics & Gynecology* 2 (1): 51–56.
- Portail Juridique du Ministère de la Justice du Maroc. Accessed [http://adala.justice.gov.ma/production/statistiques/famille/FR/Mariages%20des%20mineur\(e\)s.pdf](http://adala.justice.gov.ma/production/statistiques/famille/FR/Mariages%20des%20mineur(e)s.pdf)
- Pulerwitz, J., S. L. Gortmaker, and W. DeJong. 2000. "Measuring Relationship Power in HIV/STD Research." *Sex Roles* 42 (7/8): 637–660.
- Ritchie, J., and J. Lewis. 2003. *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. London: Sage.
- Rude-Antoine, E. 2005. *Forced Marriages in Council of Europe Member States. A Comparative Study of Legislation and Political Initiatives*. Strasbourg: Directorate General of Human Rights.
- Rude-Antoine, E. 2010. "Le mariage et le divorce dans le Code marocain de la famille. Le nouveau droit à l'égalité entre l'homme et la femme." *Droit et Cultures* 59 (1): 43–57.
- Sabbe, A., H. Oulami, W. Zekraoui, H. Hikmat, M. Temmerman, and E. Leye. 2013. "Determinants of Child and Forced Marriage in Morocco: Stakeholder Perspectives on Health, Policies and Human Rights." *BMC International Health and Human Rights* 13:43. doi:10.1186/1472-698X-13-43.
- Sadiqi, F. 2008. "The Central Role of the Family Law in the Moroccan Feminist Movement." *British Journal of Middle Eastern Studies* 35 (3): 325–337.
- Sadiqi, F., and M. Ennaji. 2006. "The Feminization of Public Space: Women's Activism, the Family Law, and Social Change in Morocco." *Journal of Middle East Women's Studies* 2 (2): 86–114.
- Salaheddine, A. 2012. *Droits de la femme: 41.098 actes de mariage de mineures en 2010*. Casablanca: Aujourd'hui. Accessed July 2. <http://www.aujourd'hui.ma/maroc-actualite/societe/droits-de-la-femme-41.098-actes-de-mariage-de-mineures-en-2010-96337.html>
- Samad, Y., and J. Eade. 2002. *Community Perceptions of Forced Marriage*. London: FCO (Foreign and Commonwealth Office).
- Siham, A. 2011. *Underage Marriages Increase in Morocco*. Rabat: Magharebia. Accessed January 26. http://magharebia.com/en_GB/articles/awi/features/2011/01/26/feature-03
- Sourgo, Y. 2013. *Child Marriage in Morocco: An Overt Violation of Human Rights*, Casablanca. Accessed June 23. <http://www.morocoworldnews.com/2013/06/95303/child-marriage-in-morocco-an-overt-violation-of-human-rights/>
- UNICEF. 2005. *Early Marriage: A Harmful Traditional Practice: A Statistical Exploration*. New York, NY: UNICEF.
- UNICEF. 2011. *State of the World's Children*. New York, NY: UNICEF.

Zoglin, K. 2009. "Morocco's Family Code: Improving Equality for Women." *Human Rights Quarterly* 31 (4): 964–984.

Résumé

Malgré l'introduction de la nouvelle loi sur la famille, ou *Moudawana*, au Maroc, qui relève l'âge légal du mariage, le nombre de filles forcées à se marier est en augmentation. Du point de vue des droits des femmes, cette augmentation est préoccupante. La présente étude explore les expériences et les perspectives des femmes, relativement aux facteurs qui contribuent à la prévalence des mariages d'enfants et des mariages forcés au Maroc. Basés sur une approche participative, des groupes de discussion thématique ont été conduits avec des femmes dans des environnements urbains et ruraux de l'agglomération de Marrakech. Au total, 125 femmes âgées de 18 à 69 ans ont participé à l'étude. Nos résultats mettent l'accent sur la nécessité d'un dialogue plus ouvert entre (grands)parents et enfants. Globalement, la *Moudawana* est perçue comme un progrès considérable pour les droits des femmes, pourtant, les résultats de l'étude montrent que les dispositions actuelles de la loi ne sont pas efficaces en ce qui concerne l'abolition du mariage forcé. Ils soulignent la nécessité de redéfinir le rôle des organisations, des associations de femmes et d'autres groupes, avec pour recommandation que celles-ci se concentrent sur leurs futures campagnes de sensibilisation parmi les générations les plus âgées et se retiennent d'intervenir directement dans les cas de mariage forcé. Les campagnes de sensibilisation qui incluent le recours aux médias populaires sont essentielles pour atteindre les personnes dans ce groupe de population plus âgé dans lequel l'analphabétisme reste répandu.

Resumen

Pese a la introducción de la nueva Ley Familiar o *Moudawana* en Marruecos, que ha elevado la edad mínima para casarse, sigue aumentando el número de chicas obligadas a contraer matrimonio. Desde la perspectiva de los derechos de la mujer, este aumento ha sido motivo de preocupación. En este trabajo analizamos las experiencias y perspectivas de las mujeres con relación a los factores que contribuyen al matrimonio forzado infantil en Marruecos. A partir de un enfoque participativo, se organizaron charlas en grupo y entrevistas exhaustivas con mujeres tanto en entornos urbanos como rurales en la región de Marrakech. En total participaron 125 mujeres entre 18 y 69 años en este estudio. Nuestros resultados ponen de relieve que es necesario un diálogo más abierto entre los padres, los abuelos y los hijos. En general, el *Moudawana* se considera un importante paso adelante para los derechos de las mujeres, sin embargo, los resultados del estudio indican que las actuales disposiciones políticas no son eficaces a la hora de abolir los matrimonios forzados. Nuestros hallazgos señalan que es necesaria una redefinición del papel que desempeñan las organizaciones, las asociaciones de mujeres y otros grupos, y recomendamos que en el futuro enfoquen sus esfuerzos en acciones de concienciación para generaciones mayores y no intervengan directamente en los casos de matrimonios forzados. Las campañas de sensibilización, que podrían incluir el uso de medios populares, son fundamentales para llegar a los miembros de este grupo de población más mayor donde el analfabetismo está muy extendido.

Marriage and Migration: Moroccan Women's Views on Partner Choice, Arranged and Forced Marriage in Belgium

**Alexia Sabbe, Karima El Boujaddayni,
Marleen Temmerman & Els Leye**

**Journal of International Migration
and Integration**

ISSN 1488-3473

Int. Migration & Integration
DOI 10.1007/s12134-018-00646-9



 Springer

Your article is protected by copyright and all rights are held exclusively by Springer Nature B.V.. This e-offprint is for personal use only and shall not be self-archived in electronic repositories. If you wish to self-archive your article, please use the accepted manuscript version for posting on your own website. You may further deposit the accepted manuscript version in any repository, provided it is only made publicly available 12 months after official publication or later and provided acknowledgement is given to the original source of publication and a link is inserted to the published article on Springer's website. The link must be accompanied by the following text: "The final publication is available at link.springer.com".



Marriage and Migration: Moroccan Women's Views on Partner Choice, Arranged and Forced Marriage in Belgium

Alexia Sabbe¹ · Karima El Boujaddayni² · Marleen Temmerman^{3,4} · Els Leye¹

Published online: 07 January 2019
© Springer Nature B.V. 2019

Abstract

With family reunification as one of the key routes to legally gain entry to the European Union, governments are introducing more stringent legislation to counter abuses such as forced marriages and marriages of convenience. This study explores Moroccan women's views on partner choice, arranged and forced marriages to ascertain the impact of the migratory context. Moreover, it examined whether the diasporic experience affects the occurrence of forced marriage. Using a participatory approach, focus-group discussions and in-depth interviews were held with women from the Moroccan community in both urban and provincial settings in Flanders, Belgium. Our findings indicate a preference for a partner in Belgium. Religion as opposed to ethnicity emerges as the most important attribute in a partner. Furthermore, religion is also a progressive voice in opinions on forced marriage and the virginity norm. Although forced marriages are no longer a pressing issue among the youth of the Moroccan Belgian community, the immigration legislation and policies that aim to enhance integration and tackle forced marriage and marriages of convenience appear to effectively deter women from choosing a partner from Morocco. Overall, the diasporic experience and migration context do not give rise to an increase of forced marriage among the Moroccan community; yet, arranged marriage is prevalent, even though it is on the decline.

Keywords Marriage and migration · Family reunification · Partner choice · Forced marriage and arranged marriage · Moroccan community · Belgium

Introduction

Due to globalisation, increased mobility and large numbers of migrants in host societies, the issue of forced marriage has become a concern on an international scale (Ertürk 2011). In Europe, the issue is most often discussed within the contexts of immigration

✉ Alexia Sabbe
alexia.sabbe@ugent.be

Extended author information available on the last page of the article

and integration (Ratia and Walter 2009; Felz et al. 2009). The practice is generally associated with migratory flows and the difficulties that immigrant families experience in becoming integrated in industrialised countries (Rude-Antoine 2005).

Family reunification, one of the key remaining routes for legal migration to the European Union, accounts for approximately a third of all migrants from outside of Europe, also referred to as Third-Country Nationals (TCNs). In 2015 alone, over 440,000 first permits for family reunification were granted to non-EU migrants or TCNs in Europe (EMN synthesis report). Belgium is one of the countries that contribute to this high amount of first permits for family reasons.¹ Amidst concerns for the large influx of migrants, the Belgian government has taken measures to stimulate integration and reduce the import of marriage partners from abroad. Therefore, marriage and partner choice, which had almost been secluded to the private sphere, became political. The government's preoccupation with migrant population's marriages stems from the growing unease with the presence of a large, potentially hostile group of 'strangers' in society (Sterckx 2008). Moreover, the increased awareness of forced marriages and marriages of convenience taking place in minority communities is mobilising policy makers to take action, resulting in a rise in initiatives and measure not only in Belgium but also throughout Europe as a whole (Charsley and Benson 2012). As the focus is placed on criminalisation and stringent immigration policies to tackle these issues, ethnic minority population groups bear the greatest burden (Sabbe et al. 2014). Changes in immigration policy to address security issues, in effect by making the entry requirements stricter, are also often the result of disguised racism and xenophobia, which, in turn, is potentially reinforcing Islamic identity and fundamentalism (Aileen 2006). Restrictions in Belgian immigration policy were specifically introduced in 2011 to facilitate integration and to step up the fight against abuses, such as forced marriage and marriages of convenience (Ratia and Walter 2009; Carol et al. 2014). The 'right to family reunification' was laid down in a European Directive in 2003 (Directive 2003/86/EC). This provides the Member States with a framework for national immigration law to regulate family reunification of third country nationals.² The impact of European legislation should not be underestimated considering that Member States were provided with the opportunity to raise higher barriers for family reunification (Desmet et al. 2011). The Belgian government transposed this European Directive in 2006 and 2007 to counter abuses such as marriage of convenience and forced marriage. However, the Act of July 8th 2011 made the rules for family reunification considerably stricter, further stepping up the fight against abuses (Desmet et al. 2011; De Brabander 2012).³ Phenomena such as forced marriage are not representative for

¹ In 2015, the vast majority of first permits for family reunification to TCNs were granted by Belgium, France, Germany, Italy, the Netherlands, Spain, Sweden and the UK altogether (EMN Synthesis Report 2017)

² For EU citizens and their family members, the European directive 2004/38/EC regulates freedom of movement and right of residence. Both Directives were transposed into Belgian residence law (in 2006 and 2007 (Art. 10, 10a, 40a and 40b Aliens Act).

³ Firstly, there is an age requirement: both spouses and partners must be over 21 years old. Additionally, a minimum income is required of at least 120% of the social assistance level (or living wage) and proof of 'adequate housing' is needed. Both partners should be covered by health insurance.

the whole of marriage migration;⁴ yet, they are often portrayed disproportionately in the public arena (Heyse et al. 2007; Ratia and Walter 2009). The problem of marriages of convenience is quite a politically sensitive issue. It is especially this theme that gave rise to the stricter immigration laws and the rules for family reunification in particular (Ratia and Walter 2009; EMN Belgium, Sarolea and Hardy 2017). In addition, criminal and civil legislation is also utilised to combat this practice (Desmet et al. 2011; De Brabander 2012). A marriage of convenience, also referred to as a sham marriage, is entered into for the sole purpose of gaining a benefit or other advantage arising from that status. In 2013, the Belgian government adopted further measures with the aim to fight misuses of family reunification by extending its scope to 'forced legal cohabitation' and 'cohabitation of convenience'. The new law introduced legal action at administrative, judicial and criminal level, which includes an inquiry procedure for the civil servant of the municipality's registry office.⁵

Although the numbers of Moroccan and Turkish family migrants in Belgium had already been slowly declining between 2001 and 2008 (Van Kerckem et al. 2013), a sudden sharp drop was observed after the legal reform in 2011 (Schoonvaere 2014; Federaal Migratiecentrum 2017). Even so, statistics published by the Belgian federal government show that Moroccans continue to receive the greatest amount of first residence permits for family reasons (Belgian Immigration Office 2015). Nevertheless, the amount of new residence permits on a yearly basis granted to Moroccans is rapidly declining. Whereas in 2010, there were still 7816 new permits given to Moroccans, this figure dropped to 4280 in 2015. Yet, even in 2016, Moroccans are still the highest rating beneficiaries of new permits for family reunification (EMN Belgium, Sarolea and Hardy 2017).⁶ Furthermore, permits for family reunification involving Moroccans are predominantly issued for spouses,⁷ surpassing the 50% mark, reflecting one of the highest rates of all nationalities (Belgian Migration Office 2015).

In light of international migration between Morocco and Belgium, it is especially important to research the impact of the Belgian context on the dynamics of partner choice and marriage practices, in particular to ascertain if the diasporic experience influences the occurrence of practices such as forced marriage and arranged marriage. The objective of this study is to gain insights into these dynamics among the Moroccan communities in Belgium, and especially among women, given the gendered nature of forced marriage. This study is situated within a larger project, linking to research in Morocco that was carried out with the collaboration of the University Mohammed V in Rabat. Structural, social and personal factors in both Morocco and Belgium are taken

⁴ For the purpose of this paper, the term 'marriage migration' is used both in the case of an existing partnership (marriage or equivalent legally registered partner) between a resident of Belgium and non-resident Third Country National (TCN), and in the case of a TCN or non-resident partner coming to Belgium with the aim of entering into a marriage or legal partnership (also referred to as 'family formation'). An existing partnership denotes that the transnational couple has already officially entered into wedlock or legal partnership in the country of origin. The procedure for family reunification is set in motion in both instances (Desmet et al. 2011).

⁵ Law of June 2nd, 2013 (BS 23/09/2013).

⁶ In 2016, Morocco received 3727 first residence permits for family reasons, outnumbering Syria, India and Turkey. Since 2015, Turkish beneficiaries are no longer the second most important nationality (EMN Belgium, Sarolea and Hardy 2017).

⁷ Family reunification can also involve descendants or ascendants, in addition to spouses.

into account in this comprehensive multi-centred research project. It explores which elements play a role in partner choice and which factors could increase the risk of forced marriages, both at local and international level. Aspects related to migration play an important part according to research, such as maintaining the cultural identity and traditions, repaying debts or returning financial assistance to extended family in countries of origin (Rude-Antoine 2005; Ratia and Walter 2009). Immigration and asylum issues, such as procuring a visa or legal residence, are often a factor behind forced marriage arrangements (Chantler et al. 2009). Studies are indicating that certain policies could even instigate forced marriage and marriages of convenience (Hester et al. 2007; Brion 2011). Legislation alone cannot have an impact without support from the communities in question (Crepaldi et al. 2010). This research acknowledges the need to work bottom-up in a participative manner within the Moroccan community in order to provide constructive answers to these lines of enquiry.

Methods

Research Design

A qualitative methodology was used, which consisted of both focus group discussions (FGDs) and individual interviews. Research activities were conducted in Belgium, in the provinces of East-Flanders and Antwerp between November 2011 and September 2013. These provinces are both situated in Flanders where identical legislation and policies, issued by the Federal and Flemish governments, apply. This effectively allows for a comparable framework to take the macro-level context (government policies) into consideration.⁸

Together with partner organisations, we identified locations in larger urban and smaller provincial settings to carry out the research. Extending the research to a large city (Antwerp), a medium-sized city (Ghent) and smaller towns within both provinces allowed the role of context to be explored in greater depth. In each setting, a local association or organisation was approached and involved in the research activity. The participation of local associations facilitated the recruitment process of the women and ensured that participants had access to a support network if the need presented itself.

Saturation of qualitative themes is usually reached after at least two FGDs with each group of interest (Guest et al. 2006). In total, nine FGDs were held: five in urban settings and four in smaller provincial settings, allowing for a sample of participants from various contexts.

⁸ In Belgium, integration policies fall within the scope of the federated entities. Flanders, the Walloon region and the Brussels-Capital Region have each developed their own integration policy according to their debates and objectives regarding the management of cultural diversity. Moroccan and Turkish migrants were the first migrants targeted by these policies. For several years, Flanders has had a compulsory integration programme targeting newcomers. More recently, the two other regions also made their integration programmes for new migrants mandatory. However, the compulsory programs in the Walloon region and Brussels-Capital Region were not yet implemented at the time of research. Moroccan and Turkish migrants were thus differently affected by integration programmes, depending on the region in which they settled (Gsir et al. 2015; Van de Pol and Vanheule 2018).

The Intergenerational Dialogue approach was used in five FGDs, of which three in urban settings and two in smaller provincial settings. The Intergenerational Dialogue method (GTZ 2005) was developed to promote constructive and consensual change of harmful practices, such as female genital mutilation and forced marriages. By means of local organisations, community-based dialogue is held in which young and old discuss controversial themes such as gender roles, sexuality, traditional values and practices, etc. with mutual respect.⁹

In addition, Intercultural Dialogues (ICD) were held in four FGDs, whereby participants from predominantly Moroccan, as well as several other ethnic backgrounds and Belgian nationals, were confronted with alternative perspectives and potentially divergent viewpoints. The Intercultural Dialogue was applied in two FGDs in urban settings and two FGDs in smaller provincial settings. Table 1 provides an overview of the nine FGDs, including information about their setting and aim.

In addition, 25 interviews were conducted with Moroccan participants of the FGDs. Furthermore, interviews were conducted with 11 Moroccan women who had not participated in the FGDs. These additional interviews allowed for a crosscheck and validation of the data from the FGDs. Interviews lasted for about 1 h and focus groups for approximately 1.5 h.

The inclusion criteria for the study were being female and 18 years of age and older; these criteria were laid down in order to capture women's experiences across all age groups and to be able to initiate the Intergenerational Dialogue method. For the interviews, the inclusion criteria were being female, Moroccan and 18 years and older.

Participants were divided into the following age categories: 18–29 years (young women) and 30–69 years (older women). In total, 44 young women and 62 older women participated in the research study (FGDs and interviews). The Intergenerational Dialogue approach was used in FGDs where both age categories of Moroccan women were approximately evenly matched. In the remaining focus groups, consisting of Moroccan women together with participants from diverse ethnic backgrounds and native Belgian women, the Intercultural Dialogue was applied.

Overall, 106 participants were included in the study:

- 95 participants of FGDs¹⁰
- 25 interviews with Moroccan participants of FGDs
- 11 interviews with Moroccan women who did not participate in the FGDs

Following World Health Organisation (WHO) recommendations on researching violence against women, only one person per household participated in the research activities (Ellsberg and Heise 2005).

A script for the FGDs and a semi-structured questionnaire for interviews were developed. Ideas and themes expressed in earlier FGDs and interviews were discussed in subsequent interviews. FGDs and interviews were held in Dutch, Arabic or Berber.

⁹ Evaluations of this method show that the quality and quantity of communication between the generations improved significantly (GTZ 2005).

¹⁰ The 95 participants consisted of 70 Moroccan women, 11 Belgian women with no Moroccan heritage, 7 Tunisian, 4 Turkish and 3 Syrian women. Our research population group of Moroccan participants consisted predominantly of a mix of first-generation and second-generation women.

Table 1 Overview of focus groups including information about their location and applied approach

	Focus groups	Type of focus group discussion	Setting
1.	FGD 1	Intergenerational Dialogue	Large urban setting
2.	FGD 2	Intercultural Dialogue	Large urban setting
3.	FGD 3	Intercultural Dialogue	Large urban setting
4.	FGD 4	Intercultural Dialogue	Provincial setting
5.	FGD 5	Intercultural Dialogue	Provincial setting
6.	FGD 6	Intergenerational Dialogue	Provincial setting
7.	FGD 7	Intergenerational Dialogue	Large urban setting
8.	FGD 8	Intergenerational Dialogue	Provincial setting
9.	FGD 9	Intergenerational Dialogue	Large urban setting

Audio recordings were transcribed, and transcripts of Arabic or Berber FGDs and interviews were translated into Dutch.

The purpose of the study and the terms regarding recording of the group discussion or interview and anonymity were explained at the beginning of every FGD and interview prior to obtaining the participants' consent. This study received ethics approval from the Ethics Board of the Faculty of Medicine & Health Sciences at [name of university].

Data Analysis

The heuristic model developed by Hooghiemstra (2001) was used to explain factors influencing marriage dynamics and patterns in the choice of a partner. Besides structural macro-level factors in the wider societal and demographic context, this model also encompasses the role of social networks and family (meso-level) in the more immediate environment, and micro-level facets such as personal characteristics and preferences. In light of the broad aspects that are taken into consideration, and the applicability in similar research, this model is a useful tool for analysing the problem of forced marriage and the impact of context. For example, this systematic framework was applied to explain determinants in partner choice, marriage modalities, marriage migration and risk factors for forced marriage (Heyse et al. 2007; Descheemaeker et al. 2009).

Thematic qualitative analysis was conducted, in which patterns or themes within the data were reported and analysed using framework grids (Ritchie and Lewis 2003). Raw data was sorted by theme and placed in the relevant part of the theoretical model through which a conceptual framework of themes and sub-themes was developed, allowing significant factors to emerge. Thematic concepts expressed by a majority of participants were defined as comprising essential domains.

Two authors independently scrutinised transcriptions, field notes and documents and identified common themes among the data. These two authors compared notes, reconciled any divergence and independently reviewed the transcripts. Findings were consecutively discussed between all first-hand data collectors.

As participants' verbatim comments are used in what follows, they have been anonymised to protect participants' identities. Participants' quotes are presented with

the research ID assigned to the group or individual during the study (for example, FGD 1 or interview 1). Unless explicitly stated otherwise, the views expressed in the “Results” sections are those of Moroccan participants.

Results

Attributes of Marriage Partners: Factors Influencing Partner Choice on the Meso- and Micro-level

Importance of Religion

Religion emerged as the most essential attribute in a potential marriage partner among the younger generation. First and foremost a ‘religious and actively practicing Muslim’ is sought after. (interview 29) Someone with ‘a strong faith, a good Iman [belief in the six articles of faith]’ (FGD 7).

Even more so than the Moroccan identity, religion is regarded as the overarching identity trait. A partner from a different ethnic background therefore also meets the requirements, as long as he or she is a practicing Muslim.

‘It was very important for me to share my life with someone who was practicing and who feared Allah.’ (Interview 30)

‘Practicing’ denotes a person *who ‘doesn’t just wear the nametag’,* but who is in effect a very good Muslim. (Interview 20)

As a married couple, ‘experiencing faith together’ is of the utmost importance. (FGD 4) The research data point to the general consensus (among participants) that ‘you can create a beautiful partnership with the Islam as a focal point in your life, whereas, in the Western society, partnership is somewhat considered to be disposable in today’s consumer society. There is a noticeable difference.’ (FGD 6).

Participants also referred to marriage as part of the ‘religious duty’. ‘Marriage is half of religion. It is a step that we must take.’ (Interview 21).

Preference for a Partner from Belgium

In the interviews and FGDs, participants gave voice to the difficulties in bridging cultural differences when a partner is brought over from Morocco. Additionally, the expectations differ, which can lead to problems in marriage. These obstacles do not occur as prominently with a partner who was raised in a similar context:

‘I would like to have something in common with my partner and that is our Belgian culture (in which we were raised), even though many other people deny this.’ (interview 19)

The arguments to justify the choice of a marriage partner from Belgium, as opposed to a spouse from Morocco, are diverse. Participants primarily brought up a ‘too great

difference in mentality' (interview 21). Partners from Morocco have little or no knowledge about how Belgian society really works, often have 'unreasonable expectations' and are subsequently 'disappointed when confronted with discrimination and so forth.' (interview 27). Above all, language emerges as a barrier for choosing a spouse from the country of origin.

'I prefer to marry someone from here. Not because I want to discriminate, but because I consider communication to be vital. Although I speak some Berber, I cannot fully express myself in that language. (interview 25)

'Preferably someone from Belgium. This is even a prerequisite. It makes communication so much easier. I can express myself much better in Dutch, especially emotionally.' (interview 28)

The conviction that a partner from the same cultural background offers the greatest chance for a successful marriage is particularly prominent in women among the older generation. Younger women, in contrast, are of the opinion that a marriage with someone from a different origin is perfectly manageable.

'Conscious Muslims no longer make a distinction between people of the same origin or someone of another origin. ... We see that young people are gradually becoming citizens of the world and don't take origins into account.' (interview 29)

Income

In both the older and younger Moroccan women, financial aspects play a part in partner choice. The young Moroccan women mention that it features in their parents' expectations. (FGD 8) The older women underscore that marriage can only take place provided that the future husband has an income to support his wife. (FGD 2).

Financial aspects are closely related to gender dynamics in the marriage. In exchange for financial security, obedience is expected from the wife. The element of control is strongly emphasised by the older women.

'You've signed a contract with your husband that you're his. ... If your husband tells you not to visit your mother today, then you don't. If he says tomorrow, then you go tomorrow.' (FGD 9)

In contrast, the young Moroccan women, who mostly grew up in Belgium, reacted fiercely to the statements by the older women.

'Yes but, we cannot imagine that. We have all the freedom, and then you get married and he'll suddenly take all that away from you?' (FGD 9)

In close association with the notions of financial support and obedience is the practice that many men 'choose' to not let their wives work professionally. Many girls accept

this limitation if they deem that they are able to be content with their partner of choice in all other aspects.

'There are also men that don't want it regardless, who absolutely refuse their wives to work. I know some who were born and raised here [in Belgium].' (FGD 7)

'Yes, my brother. He's a year older than me, and my sister-in-law is not allowed to work. And she gets everything that she wants [materially]' (FGD 7)

Restrictions towards education were only brought up by women who emigrated from Morocco to Belgium to marry. They often are not allowed to attend Dutch classes, especially if the classes are mixed, with both male and female students attending.

'I've been in Belgium for a while now, but haven't learned much Dutch. My husband doesn't want me to take classes in mixed groups. But where do you find Dutch classes for women only nowadays? My husband says 'not where there are men'.' (interview 5)

'My husband doesn't want me to go to mixed classes. Once we went to enrol for class and my husband inquired if there were women-only Dutch classes. They said that this is Belgium and that they didn't offer separate classes for men and women. He replied 'I know this is Belgium, but the men are disrespectful in those groups towards women, and they often discuss inappropriate issues in those classes, such as sexuality and love' ... My husband said that I could either learn Dutch in a women's group or not at all.' (interview 6)

Impact of Immigration Policy: Macro-level Factors

Residence Permit

Family reunification is considered one of the few remaining routes to obtain a residence permit. Over the years, to counter abuses, the requirements have steadily become more stringent, putting pressure on (prospective) spouses in Belgium to sponsor the partner from Morocco. Younger Moroccan participants effectively speak of the fear of being 'used' solely for the purpose of obtaining a residence permit. This fear in itself also appears to be contributing to the preference for a partner from Belgium:

'Difficult (marrying a partner from Morocco) ... well, once he has his papers you do not know with what intent that he's here.' (FGD 9)

'Men say they want to marry you, but if he obtains his papers, he abandons you.'
(Interview 5)

'In one way or another, I would have nothing to do with boys from Morocco. ... I have always had such mixed feelings about it. Who says that they'd come (to Belgium) for me and not for the papers? Furthermore, they don't know the language.' (Interview 26)

"You never know if the person wants to marry you for who you are, or if he only wants to marry to obtain a residence permit in Belgium. That is always the question mark. So if I would have to choose, my preference goes to someone from here." (interview 22)

"Marrying someone from Morocco? That would not be easy. My whole family is biased; they assume that he only wants the residence permit." (interview 21)

The stricter requirements for family reunification are additionally engendering more paperwork for both partners. Certificates, official documents and other evidence need to be gathered as proof. This 'administrative hassle that goes on for years' is another reason why participants are more inclined towards a partner from Belgium.

'To be honest, I dread all that paperwork ... I feel quite apprehensive about it.'
(interview 20)

"It [bringing a partner over from Morocco] requires too great of an amount of work to get all the files in order." (interview 27)

'Marriage of Convenience' Suspicion

The 'suspicion of a marriage of convenience' is obstructing the process of a migration marriage, as several participants pointed out. In addition to the administrative paper hassle, the civil servant's investigative role is another component to deal with. The government has granted civil servants more proactive powers in order to prevent marriage/cohabitation of convenience. In addition, certain larger towns have created units to specifically track down and tackle marriages of convenience (Caestecker 2005; Desmet et al. 2011). Several participants cited the deterrent effect of these measures on opting for a partner from Morocco. A mother, for instance, recounts her frustration at the difficulties experienced by her daughter to bring over her husband:

'She's already requested her marriage certificate. That was in January. My daughter lives here, rents an apartment and works. So normally, when she goes there [registry office], they should immediately register her husband in the system and provide her with the documents to send to Morocco. In the meantime she's been waiting for 7 weeks and they haven't even replied to her request. She's literally crying: 'Why won't they let my husband come over?' ... She went to see a lawyer yesterday.' (interview 1)

Forced Versus Arranged Marriage

Arranged Marriage

The concept of arranged marriage suffers from a lack of clarity. One participant considered it to be 'a marriage that includes force and whereby neither partner has the choice to choose freely.' (interview 30) Another participant described it as follows: 'According to me, 'arranged' means that I must marry against my will.' (interview 32).

A forced marriage is commonly defined as a union¹¹ where one or both parties are coerced into a marriage against their will and under duress. 'Duress' can include physical, psychological, financial, sexual and emotional pressure (Anitha and Gill 2009; Cornelissens et al. 2009; De Brabander 2012; FCO 2014). This element of duress is the decisive factor of a forced marriage (Chantler et al. 2009). In arranged marriages, it is generally put forward that parents or relatives introduce the spouses but both parties give their full and free consent to the union, therein lies the difference with forced marriage (Gangoli and Chantler 2009).

Nevertheless, in practice, it can become difficult to accurately determine at what point pressure becomes great enough to implicate genuine force in order to distinguish arranged marriages and marriages of convenience from forced marriages (Phillips and Dustin 2004; Anitha and Gill 2009). Along this line, the term 'consent' is contested by researchers who argue that it is context bound and embedded within power relations, rather than an act of pure individual agency (Chantler 2012). Research points to a continuum, on which differing levels of consent, pressure and negotiation space are situated (Phillips and Dustin 2004; Pande 2014; Leye and Sabbe 2015). The continuum ranges from marriages imposed on individuals against their will, to having some negotiating space in choosing from the presented marriage partners, to a marriage where both parties fully consent to and actively choose the proposed partner (Phillips and Dustin 2004; Leye and Sabbe 2015). The grey areas in the middle, where the individual has some limited ability or agency to negotiate, are problematic. Cultural and religious norms affect the amount of influence that the family's choice has on a girl or a young woman. The more authoritative such a choice is, the stronger the psychological pressure is to accept the proposed partner (Psaila et al. 2016). Victims' perceptions of their marriage can evolve over time. A marriage could be considered arranged at the very beginning, and then become forced later on when the victim is hindered from leaving her spouse (Leye and Sabbe 2015).

¹¹ Forced marriage applies to both formal and informal unions.

In the media and public debates, arranged marriages are often fully equated to forced marriages and marriages of convenience. These forms of marriage are portrayed as a social problem that is inherently incompatible with the principles of Western liberal democracies (Ratia and Walter 2009; Charsley and Benson 2012; Gill and Mitra-Kahn 2012; Phillips 2012; Pande 2014). This critical societal perception of arranged marriage is reflected in the results. A successful arranged marriage is 'very commonplace for us [the Moroccan community]'. (FGD 3) In stark contrast, the Belgian participants pointed out that arranged marriages are not that ordinary. Due to the Belgians' viewpoint, the Moroccan women indicated that they 'are starting to be wary/cautious of arranged marriages. ... Many people get married in that way, and are very happy to do so, but over here it is derogatively called 'married off'.'. (FGD 3) The disapproving or negative way in which the issue is regarded in the public arena in Belgium is affecting the viewpoint within the Moroccan community. In effect, it is triggering the Moroccan community to shield itself from the Belgian majority population, whereby the Moroccans feel pressured to defend their own values and customs: 'It (arranged marriage) is often a real advantage ... and among the Belgians (with their love marriage) it's not always a walk in the park.' (FGD 3).

Media plays an important role in social perception. The term 'married off' is used by Belgians, and especially by the media, to also denote arranged marriages, whereas an element of coercion is accompanied with being 'married off'. Yet, arranged marriages occur with the full and free consent of all parties involved and are an inherent part of Moroccan culture. Moreover, according to the participants, they often have a greater chance of leading to a successful marriage.

'If people aren't familiar with something in light of their own cultural background, that scares them. ... They label everything [that's different].' (FGD 3)

After clarifying the definitions of the different marriage forms in the FGDs and interviews, the overall consensus was that forced marriages are unacceptable. Viewpoints on arranged marriages were, however, mixed, with many younger women expressing some reluctance for this form of marriage. Participants also confirmed 'there are less arranged marriages in the Moroccan community nowadays, but they still do occur.' (FGD 4).

Quite many participants, both from the younger and older age categories, can appreciate an arranged marriage by choice. For example, a young 23-year-old women stated that 'she respects people that marry in this manner.' (interview 19) An older participant put forward that marriage is not always bright and rosy, and in light of her experience she would 'therefore now consider an arranged marriage, whereas I didn't want it when I was younger.' (FGD 4)

'Arranged, that was considered the best approach for a marriage. If you don't know one another, you still need to start blooming. Whereas, nowadays people have already bloomed when they tie the knot and then they cease blossoming. Then the marriage wilts. You often hear that.' (FGD 7)

From another angle, there was much less enthusiasm for arranged marriages. A young woman who had witnessed an arranged marriage in the family would not consider it if

it involved a stranger because 'it is difficult, very difficult to bring together two completely unknown people.' (FGD 9) Most young participants support this viewpoint and believe that an arranged marriage is 'not good' (interviews 7, 13, 15 and 33). The majority of young participants expressed the preference to get to know their marriage partners in a 'random' (interview 35), 'normal' (interview 32) and 'respectable' (interview 25) manner.

'I do not want my parents to look for someone for me. I'm going to look myself.'
(interview 31)

The notion of 'sabr' or 'patience' was also associated with arranged and forced marriages. Participants pointed to the situation in the past, in which marriage was entered into 'at first sight', without the intended spouses having had met each. The parents of many participants married in this way and it was noted that 'they too are happy.' (FGD 7) The reason given was that the older generation had 'fewer demands' and that people nowadays are 'very impatient and also very quick to end relationships.' (FGD 9, interview 20).

Forced Marriage

Parents' expectations play an important role in leading to a forced marriage. The psychological aspect, namely emotional pressure, cannot be underestimated. Participants referred to parents telling them 'it's time to get married because you're getting older' (interview 34). Financial aspects, which potentially include a residence permit to safeguard a better future, are other factors that could give rise to a forced marriage. (FGD 9) Older participants described their forced marriage, or their mothers (-in-law) being forced into marriage, sometimes at a young age which constitutes child marriage.¹² They framed this by stressing the significance of 'respect' and 'obedience' to ones elders, characteristics that were hugely accentuated in previous decades. Yet, in contrast to the older generation, forced marriages are no longer a pressing issue amongst the youth in the Moroccan community according to the younger participants. This form of coercion would be limited to isolated cases. (FGD 7).

When participants were asked about concrete actions to prevent forced marriages from occurring, three measures emerged.

Religion as an Educating Factor The majority of participants considered it of the utmost importance to stress that forced marriage is prohibited according to the rules of the Islam.

¹² Child marriage is defined as the marriage of anyone under the age of 18 years, seeing that consent to marriage cannot be free and full when one of the parties is not sufficiently mature to make an informed decision (article 1 United Nations Convention on the Rights of the Child; article 16(2) Universal Declaration of Human Rights).

'Nobody may be forced to share his or her life with someone you don't want. It is noteworthy to stress that this has nothing to do with the Islam, given that this is often linked to the Islam.' (interview 29)

'A forced marriage is haram [forbidden by religion]. ... It should not be allowed, but there are parents who do tell their children that they are obliged. ... But it probably only happens sporadically here, it is not the same as before (in earlier times).' (FGD 3)

Importance of Intermediaries In acute cases of forced marriage, the participants underscored the importance of 'intermediaries' from within the family.

'(I would) involve my grandmother. Respect for the older generation is important for us, and I know that if I can explain my predicament to my grandmother, that my parents will listen to her. They might not pay attention to/ heed my wishes and concerns, but at least they will pay attention to what she has to say.' (interview 20)

'If she (girl or woman who is being coerced into marriage) has a grandmother or aunt who's understanding, I would suggest she leaves home and seeks support with that relative.' (interview 26)

Call for Support Services of Similar Ethnic Origin Calling in the assistance of an aid organisation is a decision that is not made lightly. Research shows that victims often feel better understood and supported by social workers from the same cultural background (Husain et al. 2006; Réseau Mariage et Migration 2011). The responses from the Moroccan participants confirm this tendency. Implicating an aid organisation or social services occurs predominantly 'if I know that a Moroccan woman works there. In any event, I would first check it out and find out who is part of the staff.' (interview 20).

In answering the question 'do you think that (potential) victims of a forced marriage are better assisted by someone who is Moroccan?', participants answered in line with the following statement:

'Definitely if it's someone from the same background, someone who knows the cultural context, because a Belgian does not understand it 100%. I believe my parents would listen more easily to someone with the same nationality or religion.' (interview 21)

Generational Development

Premarital Relationships: Shame and Guilt

On a whole, in the FGDs and interviews, the term 'relationship' was given a negative connotation. Relationships are associated with 'bad behaviour', an implication that stems from the education at home. (interview 11).

Feelings and expressions of sexual attraction outside of marriage are considered to be 'unfavourable' or 'inappropriate'. (FGD 8 and interviews 32 and 36).

When the question is raised as to the reason why, respondents pointed out that there are 'boundaries in the Islam' and that you are 'not allowed to give in to feelings of love and sexual attraction in a non-marital context.' (FGD 7)

'I believe Islamic values need to be taken into consideration.' (FGD 6)

When you act 'badly' and transgress these values or 'rules', it is 'implicitly held that you as a person are inherently bad' (FGD 6). This leads to a loss of reputation, standing and honour in society, which, in turn, causes shame and guilt. Moreover, pre-marital relationships are deemed to cause a considerable amount of 'disorder in society', because they go against the social order and are a transgression of the prevailing norms within the Moroccan community (interview 29).

Nevertheless, among the younger Moroccan generation, there is a longing to get to know their partner—to a certain extent—before marriage. There is a general consensus that, as long as it 'remains decent and with good intentions', you should be allowed to have 'contact' with someone who has the intent to marry. As long as there is 'no sexual contact', most young women deem such a premarital relationship acceptable.

'As long as it is not intimate, it is ok.' (interview 21)

The transition from small, close-knit communities in Morocco, where 'everyone knows each other' to a different structural context as a consequence of the migration process, emphasises the necessity of premarital relationships.

'It used to be much easier: families knew each other But now? A relationship is effectively necessary to get to know someone. In Europe families don't know each other to the same extent.' (FGD 6)

Double Standard in Sexuality

Participants remarked upon the double standard with regard to male behaviour. Both young men and women do not always strictly abide by the 'rules' and 'norms' especially concerning premarital relationships. But Moroccan girls are subjected to more surveillance by their families and community. This is justified by the reasoning that 'the family's honour depends on the girl's actions.' (FGD 6).

When boys are raised to 'be looser than girls', it can cause problems when looking for a marriage partner. (FGD 9) Young women reacted frustrated to the notion that men often have the expectation to marry 'a girl that is a virgin, that never leaves the house, that has an impeccable reputation. I pity those women.' Older participants of an intergenerational FGD pointed out that men often restrict women in the name of religion, 'interpreting religion as they please, for example to limit women's freedom. But men just abuse it, the Islam.' (FGD 9).

With reference to the virginity norm, the Islam is seemingly playing a re-educational role as regards old traditions and customs in the Moroccan community.

'In our village [in Morocco] it's still the case [showing the bloodied fabric as a 'trophy']. In their eyes, we are really westernized, but we just took the Islamic things with us [to Belgium] and my parents don't consider it [virginity norm] to be part of the Islam. End of discussion.' (FGD 7)

Nevertheless, the urge to prove one's virginity runs deep, especially among the older generation.

'Here in Belgium you don't have to go to the doctor. But I did it voluntarily.' (FGD 7)

'I had to go to that physician, otherwise I wouldn't get a marriage certificate [in Morocco]. I had to have a medical certificate... That was in 1996.' (FGD 7)

From Traditional Practices to Religious Identity

As regards choice of partner and marriage, participants confirmed explicitly that, at present, there is a considerable difference between the older and younger generation of (Belgian) Moroccans. The older generation 'regarded the husband as superior, considered women to be inferior and children were at times married off.' (interview 29) Several women spoke out about the forced child marriage of their parents or grandparents. Marriage was often established without the awareness of the prospective spouses, and family members wed each other. When asked about the underlying motive, several participants echoed the viewpoint that, at the time, tradition was more important than religion. By contrast, in the present-day Moroccan Belgian community, the sentiment prevails among the younger generation that 'people are more aware of their Islamic identity' and that they 'are leaving behind certain traditional practices' (interview 29; FGD 6 and FGD 8). The rise of religion and the awareness surrounding it is partly responsible for this change in course. Proof of this is in the repeated declarations by participants that forced marriage is 'not allowed in the Islam', that it 'is 'haram' [forbidden].' (interview 6; FGD 8) Traditionally, women and girls did not have a voice, but now, they are standing up for their rights and 'making it clear what they want'. (interview 2) The shame and submissiveness has shifted to 'increased assertiveness'. (interviews 2, 8 and 19) This evolution also leads to the declining importance of origin

or race. Moroccans are now marrying other Belgians, Turks, Arabs, etc. 'Conscious Muslims do not make this distinction [origin] any longer.' (interview 29).

Discussion

Overall, the stigma around extra-marital relationships surfaced quite strongly, both within the older and the younger generation. The notion that extra-marital relationships are considered a disorder in society originates from Morocco itself. Research in Morocco shows that unmarried women and men are regarded as a threat to the social order because their sexuality would risk provoking social chaos (Benradi et al. 2007; Flah 2012; Sabbe et al. 2013). With regard to the virginity norm, participants referred to the double standard when it comes to sexual chastity. Currently, there is no longer a legal obligation in Morocco for women to prove their virginity when entering into marriage. Nevertheless, sexual chastity remains of the utmost importance in Moroccan society. The husband and his family can, for example, demand a certificate of virginity from the future bride. In rural areas of Morocco, and in less socially prosperous regions, the demand for such certificates is increasing among physicians (Charpentier 2010). Virginity is the only exchangeable capital for a woman, and not only does it greatly increase the chance of a higher dowry, it also gives rise to an advantageous marriage in the economic sense. The safeguarding of the family's honour or the good reputation of the woman's family is equally considered to be social capital. The value that is attached to sexual chastity persists in Moroccan communities that have settled in Europe (Charpentier 2010). Participants of the FGDs pointed out that Belgian physicians regularly produce certificates of virginity, even though the woman in question is no longer a virgin. They do that 'because they feel sympathetic towards the girl'. (FGD 7) Especially when the woman involved tells the physician that 'it is almost a death sentence in our culture when you are not a virgin.' (FGD 7) Studies show that some (medical) professionals do not want to contribute to maintaining the virginity norm, considering that it is based on a double standard that requires women to remain chaste before marriage, whereas this is not expected of men. This sexual inequality leads to gender inequality, constituting a fundamental human rights breach (Bartels 2000; Saharso 2004; Essen et al. 2010; Vermeirsch et al. 2013).

In contrast to previous studies (Reniers and Lievens 1999; Zemni et al. 2006; Descheemaeker et al. 2009), and in line with more recent research (Van Kerckem et al. 2013; Schoonvaere 2014; Carol et al. 2014), most young women expressed a preference for a partner from Belgium. Since preceding studies indicated a strong partiality for partners from the country of origin, our research results confirm an evolution in the choice of partner of Moroccan women in Belgium. Religion emerges as the most important attribute in a potential partner. As long as he or she is a practicing Muslim, religion transcends ethnic background.

Financial aspects were also found to play a role in partner choice and marriage, equally among the younger generation. The requirement that the husband provides for his wife derives from traditional Islamic law. Until recently, this constituted the cornerstone for the family law in Morocco. It included the regulation that the wife owes obedience to her husband in exchange for his financial support (Zoglin 2009; Eisenberg 2011). That aspect of obedience to the husband is fervently reflected in the

statements of the older women. In contrast, the Moroccan family law ('Moudawana'), introduced in 2004, proclaims equal rights and duties for the spouses. Thereby effectively denouncing the regulation that the wife must be obedient if she is to be provided for by her husband. The older Moroccan generation that moved to Belgium was never exposed to these new laws and the changes that are spreading throughout Moroccan society. So, to a certain extent, the outdated Moroccan family law lives on in the Belgian context, among older Moroccan immigrants, effectively limiting opportunities for 'import brides' and for women from the Moroccan Belgian community alike. This is especially the case with regards to professional pursuits and education, as participants voiced that men often prohibit their wives to work or to attend language classes.

Religion did not only emerge as a crucial and coveted attribute in a potential future spouse. It is also taking on the role of a progressive voice. Participants referred to the educational impact of the Islam in themes such as forced marriage and the virginity norm. Religion is a key element in preventing forced marriages. Participants clearly stated that the Islam prohibits marriage by force, claiming that it is 'haram' (forbidden in the Quran). The optimal manner to prevent forced marriages from occurring is to educate people about this position in order to change attitudes. Intermediaries from within the family are considered desirable to negotiate with the parents in the eyes of the young women. This viewpoint was also reflected in the Moroccan research study, where relatives or close family friends were favoured to mediate on behalf of the (potential) victim above the initial involvement of aid organisations (Sabbe et al. 2015). Maintaining a healthy relationship with the parents is considered essential to the women in the Moroccan research study (Sabbe et al. 2015), and this appears to be echoed by the women from the Moroccan Belgian community. Nevertheless, using intermediaries from within the close family circle involves risks that have been described in other research (Gangoli et al. 2006; Phillips 2007; Chantler 2012). Professionals emphasise the danger of further victimisation if external specialist support is bypassed (Leye and Sabbe 2015). Nonetheless, the results call into question the confidence that these women have in support services and how accessible they are for communities.

From the group discussions and the interviews, it emerges that forced marriages are no longer a pressing issue among the youth of the Moroccan Belgian community. This is in stark contrast to the older generation, in which this coercion to marry often took place. Studies and literature in Europe have suggested that forced marriage in Europe is a product of migration rather than a 'tradition' exported from the country of origin. (Phillips and Dustin 2004; Gangoli et al. 2006; Zemni et al. 2006). Hooghiemstra (2001) explains that integration at the structural level (language, housing, work, education, etc.) leads to a new desire to keep alive traditions at the personal level. The diaspora experience is believed to create an additional dimension to the meaning of forced marriage, in the sense that parents impose an unwanted marriage in order to curb the influence of Western culture over their children. Similarly, forced marriage is also used to end their children's association with so-called unsuitable partners (Samad and Eade 2002; Gangoli et al. 2006). Research from the UK unveiled that forced consanguineous marriage, a union between individuals who are (closely) related, is reasserted as a traditional cultural practice due to stricter immigration policies. In certain ethnic minorities, such as the Pakistani, a sense of obligation to kin and the need to maintain links to the home communities contributes to the use of marriage as an immigration

strategy (Shaw 2001; Sundari and Gill 2009). Research on marriage practices among minority women has uncovered instances where young women have articulated their desire to uphold cultural norms by actively pursuing arranged marriages out of a need to stand up for their sense of belonging within a minority community (Bredal 2005; Sundari and Gill 2009). The migratory context is said to influence the shape and nature of forced marriage. Instead of an automatic adoption of social practices from the country of origin, it needs to be understood as a product of immigration and the diaspora experience, especially among South Asian immigrant communities in the UK (Geetanjali et al. 2009). While acknowledging the veracity of these theories for certain population groups, our specific research context does not corroborate these findings. Forced marriage and child marriage do not appear to be widespread, nor a common phenomenon among the Moroccan community in Belgium nowadays. Participants were quite outspoken about the forced and child marriages of their parents. Some older participants referred to their own experiences with an unwanted marriage before migrating to Belgium. Yet, the diaspora experience and migration context did not and does not give rise to a new wave of the practice. Forced marriages would nowadays be limited to isolated cases. Nevertheless, in Belgian policies and media, forced marriage is considered to be an inherent part of marriage migration in Moroccan culture and it is closely associated with marriages of convenience. This is reflected in sensitization efforts and publications aimed at young people from the Moroccan and Turkish population groups.¹³ By singling out these minority communities, victims' associations are concerned about the risk of stigmatisation leading to gender, cultural or religious discrimination (Gill and Mitra-Kahn 2012; Bensaid and Rea 2012; Phillips 2012; Psaila et al. 2016). In Belgium, the issue of forced marriage is also indirectly linked to another societal difficulty. It is said to obstruct the integration process. According to Ratia and Walter (2009), linking forced marriages and marriages of convenience to other social problems inhibits a targeted comprehensive approach. Furthermore, the results demonstrate a direct impact of macro-level factors, the prevailing immigration legislation and policies. Participants reported how the restrictions imposed by the family reunification rules are deterring them from choosing a partner from Morocco. Other research also corroborates this correlation between stricter family reunification policies and the decrease of transnational marriages (Leerkes and Kulu-Glasgow 2011; Huschek et al. 2012; Carol et al. 2014). Although the choice for a migrant partner from Morocco had already been decreasing slightly, the sharp drop in permits for family reunification after the new migration legislation entered into force in 2011 was considerable. Between 2010 and 2013, 49% less first permits were issued to family members of Moroccan and Turkish nationalities (EMN Belgium, Sarolea and Hardy 2017). Stringent provisions appear to affect minority communities in a discriminatory way, hindering bona fide transnational unions and thereby impacting their right to private and family life as guaranteed by article 8 of the European Convention on Human Rights (ECHR). The European Court for Human rights interprets article 8 ECHR as providing the right to autonomy and identity when it comes to the physical and psychological integrity of the person, including his or her sexual life (Marshall 2009). In light of this, there is a need to reassess policies and the current public debate

¹³ Leaflet: Vakantietijd: huwelijktijd? (Translated: Holiday time: time for marriage?). Available at: http://igvm-iefh.belgium.be/sites/default/files/downloads/vakantietijd_-_huwelijktijd.pdf

that emerges from the way marriage migration is framed (Sabbe et al. 2014). When a certain population group does not feel entirely free and unrestrained when choosing a partner, questions should be raised.

Conclusion

The diasporic experience and migration context do not give rise to an increase of forced marriage among the Moroccan community; yet, arranged marriage remains prevalent even though it is on the decline. On the whole, forced marriage is no longer a pressing issue among the younger generation of the Moroccan community, despite its portrayal as such in government policies and media. Participants did report how the stringent immigration provisions for family reunification are deterring them from choosing a partner from Morocco. These macro-level measures, i.e. the legislation in combination with the increased suspicion of marriages of convenience, are directly impacting partner choice. Using immigration control as an instrument to prevent forced marriages and marriages of convenience seems to bring up concerns with regards to the potentially discriminating effect of this discourse on bona fide transnational unions. Further research is necessary to ascertain the impact of migration on other minority population groups in Belgium considering that studies are indicating that the practice is reasserted in the European migratory context (Phillips and Dustin 2004; Zemni et al. 2006; Gangoli et al. 2009). The diasporic experience, spurred on by the restrictive migration policies, would act as a catalyst for forced marriage among certain ethnic minorities (Shaw 2001; Sundari and Gill 2009).

The decline in marriage migration among the Moroccan community is not only ascribed to stricter immigration laws. Several participants expressed their preference for a partner from Belgium because of the similar background and language. Religion, as opposed to ethnic origin, emerged as the most important attribute in a partner, indicating a shift in personal preferences at the micro-level of Hooghiemstra's (2001) heuristic model. At the meso-level, religion is also shaking up traditional values and customs. Its re-educational role with regards to forced marriage and the virginity norm is demonstrating how religion is acting as a catalyst to move away from engrained cultural practices and norms.

Limitations

Like all research techniques, qualitative methods have limitations. Findings cannot be generalised nor portrayed as representative overall. As with the nature of qualitative research, the results are highly driven by the participants of the research population. In order to offer the highest levels of safety and anonymity for our participants, we only included women and involved local associations to provide support if the need presented. As researchers, we do our utmost best to set up the methodological framework in such a manner that the recruitment process will result in a myriad of participants who reflect and represent their community in a comprehensive way. The recruitment via local associations and women's organisations cannot, however, assure a representative sample.

This research is characterised by its multicultural nature. While this is also a strength in providing a rich tapestry of data, specific terms and words are not always understood in a uniform manner by all participants. An example is the definition of forced marriage and arranged marriage. What constitutes force for one person or community may be considered pressure, yet not acute force in another. In this respect, our community researchers took care to reflect any discussions, interpretations and deliberations within the FGDs and interviews in the research data. Given that the research was conducted in Berber, Moroccan Arabic and Dutch, we worked closely with the native speakers to back translate and to provide feedback on particular interpretations. While local community researchers in the various research settings did verify our analysis of the results, we cannot rule out that an interpretation from a Western point of view might have entered the results.

Acknowledgments The authors thank all the participants for their valuable time and input. We are also very grateful to all who reviewed this paper, especially A. La Velle.

Funding Information This work was supported by the Flemish Interuniversity Council (Vlaamse Interuniversitaire Raad)–Institutional University Development Cooperation [VLADOC grant 2009-04] and by the Agentschap Integratie & Inburgering [Managers van Diversiteit 2010/01/016].

Compliance with Ethical Standards This study received ethics approval from the Ethics Board of the Faculty of Medicine & Health Sciences at Ghent University

Conflict of Interest The authors declare that they have no conflict of interest.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

References

- Aileen, T. (2006). How stricter Dutch immigration policies are contributing to rising Islamic fundamentalism in the Netherlands and Europe. *Washington University Global Studies Law Review*, 5(2), 451–468.
- Anitha, S., & Gill, A. (2009). Coercion, consent and the forced marriage debate in the UK. *Feminist Legal Studies*, 17(2), 165–184.
- Bartels, E. (2000). Maagdelijkheid en maagdenvliesherstel tussen ethiek en beleid: een reactie. *Migrantenstudies*, 53(1), 45–52.
- Belgian Immigration Office. (2015). *Residence Permits Issued For Family Reasons. Statistics 2010–2015*. Brussels: Federal Public Service Home Affairs.
- Benradi, M., M'chichi, H. A., Ounnir, A., Boukaissi, M. M., & Zeidguy, R. (2007). *Le Code de la famille. Perceptions et pratique judiciaire*. Fes: Friedrich Ebert Stiftung.
- Bensaid, N., & Rea, A. (2012). *Étude relative aux mariages forcés en rÉgion de Bruxelles-Capitale*. Brussels: Université Libre de Bruxelles (ULB).
- Bredal, A. (2005). Arranged marriages as a multicultural battle field. In Andersson, M., Lithman, Y. & Sernhede, O. (Eds.), *Youth, Otherness, and the Plural City: Modes of belonging and social life* (pp. 75–106). Gothenburg: Daidalos.
- Brion, F. (2011). Using gender to shape difference: The doctrine of cultural offence and cultural Defence. In S. Palidda (Ed.), *Racial criminalisation of migrants in the 21st century* (pp. 63–73). Farnham: Ashgate Publishing.
- Caestecker, F. (Ed.). (2005). *Huwelijksmigratie, een zaak voor de overheid?* Leuven: Acco.

- Carol, S., Ersanilli, E., & Wagner, M. (2014). Spousal choice among the children of Turkish and Moroccan immigrants in six European countries: Transnational spouse or co-ethnic migrant? *International Migration Review*, 48, 387–414.
- Chantler, K. (2012). Recognition of and intervention in forced marriage as a form of violence and abuse. *Trauma, Violence & Abuse*, 13(3), 176–183.
- Chantler, K., Gangoli, G., & Hester, M. (2009). Forced marriage in the UK: Religious, cultural, economic or state violence? *Critical Social Policy*, 29, 587–612.
- Charpentier, I. (2010). Virginité des filles et rapports sociaux de sexe dans quelques récits d'écrivaines marocaines contemporaines. *Genre, Sexualité & Société*, 2010(3). <https://doi.org/10.4000/gss.1413>.
- Charsley, K., & Benson, M. C. (2012). Marriages of convenience or inconvenient marriages: Regulating spousal migration to Britain. *Journal of Immigration, Asylum and Nationality Law*, 26(1), 10–26.
- Cornelissens, A., Kuppens, J., & Ferwerda, H. (2009). *Huwelijksdwang. Een verbintenis voor het leven?* Den Haag: Ministerie van Justitie.
- Crepaldi, C., Lodovici, M., Corsi, M., & Naaf, S. (2010). *Violence Against Women and the Role of Gender Equality, Social Inclusion and Health Strategies*. European Commission: Directorate-General for Employment, Social Affairs and Equal Opportunities.
- De Brabander, A. (2012). *De strafrechtelijke en criminologische dimensie van het gedwongen huwelijk*. Gent: Masterproef Rechten Universiteit Gent 2011–2012.
- Descheemaeker, L., Heyse, P., Wets, J., Clycq, N., & Timmerman, C. (2009). *Partnerkeuze en Huwelijksluiting van Allochtone Mannen. Een kwantitatieve en kwalitatieve analyse van het partnerkeuzeproces en het huwelijk van Marokkaanse, Turkse en sikhmannen*. Antwerpen/Brussel: Universiteit Antwerpen/Instituut voor de gelijkheid van vrouwen en mannen.
- Desmet, G., Leys, D., & Ronsijn, W. (2011). *Partnermigratie van derdelanders naar Vlaanderen en Brussel. Een kwantitatieve en kwalitatieve studie*. Brussels: Vlaamse Overheid en Europees Integratie Fonds.
- Eisenberg, A. M. (2011). Law on the books vs. law in action: Under-enforcement of Morocco's reformed 2004 family law, the Moudawana. *Cornell International Law Journal*, 44(3), 693–728.
- Ellsberg, M., & Heise, L. (2005). *Researching Violence Against Women. A Practical Guide for Researchers and Activists*. Washington DC: World Health Organisation, PATH.
- Ertürk, Y. (2011). Foreword. In A. Gill & S. Anitha (Eds.), *Forced Marriage. A social justice and human rights perspective* (pp. xi–xvi). London: Zed Books.
- Essen, B., Blomkvist, A., Helstrom, L., & Johndotter, S. (2010). The experience and responses of Swedish health professionals to patients requesting virginity restoration (hymen repair). *Reproductive Health Matters*, 2010(18), 38–46.
- European Migration Network (EMN). (2017). Synthesis report for the EMN focused study 2016 - family reunification of third-country nationals in the EU plus Norway: National Practices. European Commission: Migrapol EMN [doc 382].
- European Migration Network (EMN) Belgium, Sarolea, S. & Hardy, J. (2017). *Family Reunification With Third Country National Sponsors In Belgium*. Study of the Belgian Contact Point of the European Migration Network (EMN).
- Federaal Migratiecentrum Myria. (2017). Migratie in cijfers en in rechten. Brussel.
- Felz, M., Said, I., & Triebel, K. (2009). *Active against forced marriage*. Hamburg: Ministry for Social and Family Affairs, Health and Consumer Protection.
- Flah, L. (2012). Bayrat or Spinsters, Single Women Trapped in Social Stigma. *Morocco World News*, August 18. Accessed 11 Apr 2018. <http://www.morocccworldnews.com/2012/08/52406/bayrat-or-spinsters-single-women-trapped-in-social-stigma/>.
- Foreign and Commonwealth Office UK. (2014). *The right to choose: Multi-agency statutory guidance for dealing with forced marriage*. London: Foreign and Commonwealth Office.
- Gangoli, G., & Chantler, K. (2009). Protecting victims of forced marriage: Is age a protective factor? *Feminist Legal Studies*, 17, 267–288.
- Gangoli, G., Razak, A., & McCarry, M. (2006). *Forced marriage and domestic violence among south Asian communities in north East England*. Bristol: University of Bristol.
- Gangoli, G., McCarry, M., & Razak, A. (2009). Child marriage or forced marriage? South Asian communities in north East England. *Children and Society*, 23(6), 418–429.
- Geetanjali, G., McCarry, M., & Razak, A. (2009). Child marriage or forced marriage? South Asian communities in north East England. *Children & Society*, 23(6), 418–429.
- Gill, A., & Mitra-Kahn, T. (2012). Modernising the other: Assessing the ideological underpinnings of the policy discourse on forced marriage in the UK. *Policy & Politics*, 40(1), 107–122.

- Gsir, S., Mandin, J. and Mescoli, E. (2015). *Moroccan and Turkish Immigration in Belgium*. INTERACT RR 2015/03, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute.
- GTZ: Deutsche Gesellschaft für Technische Zusammenarbeit (now GIZ). (2005). *Generation Dialogue about FGM and HIV/AIDS: Method, Experiences in the Field and Impact Assessment*. Eschborn: GTZ.
- Guest, G., Bunce, A., & Johnson, L. (2006). How many interviews are enough? An experiment with data saturation and variability. *Field Methods*, 18(1), 59–82.
- Hester, M., Chantler, K., Gangoli, G., Devgon, J., Sharma, S., & Singleton, A. (2007). *Forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e)*. London: Home Office.
- Heyse, P., Pauwels, F., Wets, J., Timmerman, Ch. & Perrin, N. (2007). *Liefde kent geen grenzen: een kwantitatieve en kwalitatieve analyse van huwelijksmigratie vanuit Marokko, Turkije en Oost-Europa en Zuid Oost Azië*. Rapport in opdracht van het Centrum voor Gelijkheid van Kansen en voor Racismebestrijding.
- Hooghiemstra, E. (2001). Migrants, partner selection and integration: Crossing Borders? *Journal of Comparative Family Studies*, 32(4), 601–626.
- Husain, M. I., Waheed, W., & Husain, N. (2006). Self-harm in British south Asian women: Psychosocial correlates and strategies for prevention. *Annals of General Psychiatry*, 2006(5), 7.
- Huschek, D., de Valk, H. A., & Liefbroer, A. C. (2012). Partner choice patterns among the descendants of Turkish immigrants in Europe. *European journal of population*, 28(3), 241–268.
- Leerkes, A., & Kulu-Glasgow, I. (2011). Playing hard(er) to get: The state, international couples, and the income requirement. *European Journal of Migration and Law*, 13(1), 95–121.
- Leye, E. & Sabbe, A. (2015). *Forced marriage in Belgium. An analysis of the current situation*. Ghent: International Centre for Reproductive Health (ICRH), Ghent University.
- Marshall, J. (2009). *Personal freedom through human rights law? Autonomy, identity and integrity under the European convention on human rights*. Leiden: Martinus Nijhoff Publishers.
- Pande, R. (2014). Geographies of marriage and Migration: Arranged marriages and south Asians in Britain. *Geography Compass*, 8(2), 75–86.
- Phillips, A. (2007). *Multiculturalism without culture*. Princeton: Princeton University Press.
- Phillips, R. (2012). Interventions against forced marriage: Contesting hegemonic narratives and minority practices in Europe. *Gender, Place & Culture: A Journal of Feminist Geography*, 19(1), 21–41.
- Phillips, A., & Dustin, M. (2004). UK initiatives on forced marriage: Regulation, dialogue and exit. *Political Studies*, 52(3), 531–551.
- Psaila, E., Leigh, V., Verbari, M., Fiorentini, S., Dalla Pozza, V., & Gomez, A. (2016). *Forced marriage from a gender perspective*. Directorate General for Internal Policies, Department C: Citizens' Rights and Constitutional Affairs, European Parliament, September 2016 (PE 556.926).
- Ratia, E., & Walter, A. (2009). *International Exploration on Forced Marriages: A Study on Legal Initiatives, Policies and Public Discussions in Belgium, France, Greece, UK and Switzerland*. Nijmegen: Wolf Legal Publishers.
- Reniers, G., & Lievens, J. (1999). Stereotypen in perspectief. De evolutie van enkele aspecten van het huwelijk bij Turken en Marokkanen in België. *Migrantenstudies*, 15(1), 28–44.
- Réseau Mariage et Migration. (2011). Actes de la journée de réflexion et d'échanges du 20 mai 2011. Bruxelles.
- Ritchie, J., & Lewis, J. (2003). *Qualitative research practice: A guide for social science students and researchers*. London: Sage.
- Rude-Antoine, E. (2005). *Forced Marriages in Council of Europe Member States: A comparative study of legislation and political initiatives*. Strasbourg: Council of Europe.
- Sabbe, A., Oulami, H., Zekraoui, W., Hikmat, H., Temmerman, M., & Leye, E. (2013). Determinants of child and forced marriage in Morocco: Stakeholder perspectives on health, policies and human rights. *BMC International Health and Human Rights*, 13(43). <https://doi.org/10.1186/1472-698X-13-43>.
- Sabbe, A., Temmerman, M., Brems, E., & Leye, E. (2014). Forced marriage: An analysis of legislation and political measures in Europe. *Crime, Law and Social Change*, 62(2), 171–189.
- Sabbe, A., Oulami, H., Hamzali, S., Oulami, N., Le Hijr, F.Z., Abdallaoui, M., et al. (2015). Women's perspectives on marriage and rights in Morocco: Risk factors for forced and early marriage in the Marrakech Region. *Culture, Health & Sexuality*, 17(2), 135–149.
- Saharso, S. (2004). Feminisme en multiculturalisme: twee zielen in Één borst? *Ethiek en Maatschappij*, 7, 26–39.
- Samad, Y., & Eade, J. (2002). *Community perceptions of forced marriage*. London: FCO (Foreign and Commonwealth Office).

- Schoonvaere, Q. (2014). *Belgie-Marokko: 50 jaar migratie. Demografische studie over de populatie van Marokkaanse herkomst in België*. Centre de recherche en démographie et sociétés, Université catholique de Louvain & Federaal Centrum voor de analyse van de migratiestromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, juni 2014.
- Shaw, A. (2001). Kinship, cultural preference and immigration: Consanguineous marriage among British Pakistanis. *Journal of the Royal Anthropological Institute*, 7(2), 315–334.
- Sterckx, L. (2008). *Turkish and Moroccan Youths' Choice of a Marriage Partner*. Lisbon: European Social Science History Conference (ESSCH) February–March 2008.
- Sundari, A., & Gill, A. (2009). Coercion, consent and the forced marriage debate in the UK. *Feminist Legal Studies*, 17, 165–184.
- Van de Pol, S. & Vanheule, D. (2018). *Maatschappelijke oriëntatie in kaart gebracht: België*. Centrum voor Migratie en Interculturele Studies, Universiteit Antwerpen.
- Van Kerckem, K., Van der Bracht, K., Stevens, P. A. J., & Van de Putte, B. (2013). Transnational marriages on the decline: Explaining changing trends in partner choice among Turkish Belgians. *International Migration Review*, 47(4), 1006–1038.
- Vermeirsch, S., Sabbe, A., Temmerman, M., & Leye, E. (2013). De mythe van het maagdenvlies. *Tijdschrift voor Geneeskunde*, 69(9), 440–445.
- Zemni, S., Casier, M., & Peene, N. (2006). *Studie naar de factoren die de vrijheid van keuze van een echtgenoot beperken, bij bevolkingsgroepen van vreemde oorsprong in België*. Ghent/Brussels: Universiteit Gent/Centrum voor gelijkheid van kansen en voor racismebestrijding.
- Zoglin, K. (2009). Morocco's family code: Improving equality for women. *Human Rights Quarterly*, 31(4), 964–984.

Affiliations

Alexia Sabbe¹ · Karima El Boujaddayni² · Marleen Temmerman^{3,4} · Els Leye¹

¹ International Centre for Reproductive Health, Faculty of Medicine and Health Sciences, Ghent, Ghent University, C. Heymanslaan 10 UZ-P114, 9000 Ghent, Belgium

² Faculty of Psychology and Educational Sciences, Ghent University, Senzo vzw (not for profit organisation supporting ethnic minorities with a disability), Ghent, Belgium

³ Department of Obstetrics and Gynaecology, Ghent University, Ghent, Belgium

⁴ Centre of Excellence in Women and Child Health, Aga Khan University East Africa, Nairobi, Kenya

“Nobody may be forced to share his or her life with someone you don’t want. It needs to be emphasized that this has nothing to do with Islam, given that it often is linked to Islam.”

*Young woman from the Moroccan
Belgian Community*

6. DISCUSSION

In this section we reflect on the findings from the research, discussing which factors greatly impact the occurrence of forced and child marriage, and the elements that influence partner choice. Recent developments are taken into consideration and scrutinized when they are pertinent to our research. Furthermore, the migratory context is reflected on and the significance of agency as an intersectional theme.

6.1. Identification of determinants of forced marriage and factors influencing partner choice

6.1.1. Micro-Level

On an individual and interpersonal level, influence of one's family is significant. Both the research in Morocco as among the Moroccan community in Belgium emphasized the role of close family on an individual's decision-making power in partner choice and as a factor leading to a forced marriage. Intra-household dynamics must be taken into account.

a) Educational attainment and financial dependence

Educational attainment is an important determining factor of marriage and adolescent childbearing in **Morocco**. (papers 2 and 3) Years of schooling and rates of child marriage are directly correlated. [72, 219, 220] Girls are more likely to be viewed as marriageable once they are no longer in school. [221] Longer education makes a girl more resilient, increasing her agency and ability to stand up to parental authority, or at least influence it. [222] Yet, participants voiced that investing in a girl's education is considered a waste of resources. A women's role is to get married and bear children. Any further schooling would only benefit her husband's family. (paper 3) For poor families, marrying the girls off earlier cuts their school fees out of the household budget. In our research, over 50% (51,95%) of the rural participants, and 37,5% of the urban participants in Morocco were illiterate. (paper 3) Arguably, illiteracy rates were notably higher among the older generation of women, indicating an improvement in school drop out rates and attendance. Yet, the older generation (parents and grandparents) has a significant impact on household decisions. (paper 3) This increases the likelihood of them passing on their upbringing and experiences to the children. If they, themselves, were forced into marriage by their parents, the probability of applying the same treatment to the girls and women in the household increases. (papers 2 and 3) This highlights the need for education and awareness specifically targeted towards the older generations, in order to make them conscious about perpetuating underlying patterns and beliefs. (paper 3) After all, they have the decision-making power to allow girls to finish their education. Other research also reveals that the risk of school dropout due to child marriage is exacerbated among girls living with a household head with little or no formal education. [223] The inter-generational impact of educational attainment has been firmly established in recent years. [224, 225] Child marriage affects the education of the children of girls marrying early indirectly. Global evidence also shows that child and forced marriage is both a cause and a consequence of school dropout. The incompatibility of marriage with school is the leading factor. [220, 226] Although it is difficult to disentangle causation, the associations between child marriage and school dropout are clear and consistent. Other research has underscored that education is an effective protective mechanism against early marriage. Across 18 of the 20 countries with the highest prevalence of child marriage, girls with no education were up to six times more likely to marry than girls with a secondary education. [227]

Financial dependence on the father or household in general, was quoted as a significant factor at the micro-level in limiting (partner) choices. Family size and composition indirectly give rise to

forced and child marriage in **Morocco**. (papers 2 and 3) Resources must be spread over a large number of family members, diminishing opportunities to pay for children's schooling and, as a result, prompting the head of the household to marry off any daughters. (papers 2 and 3) Girls in rural areas are especially vulnerable given that fertility rates are higher, leading to sizeable families. (paper 3) Women additionally face many obstacles to work in Morocco. Not only is economic discrimination rampant, relatives and husbands often forbid their daughters and wives to pursue employment opportunities. (paper 3) The crux appears to be at the transition from school to the job market. Women face many more obstacles than men. (paper 2) In a World Bank survey of Morocco, 30,6% of young women stated that they were unwilling or unable to work because their husbands do not allow it, while another 23,3% were forbidden by their parents. On top of that, another 22,9% reported that they were too busy with household chores to work. [170, 228] Vast numbers of women appear to be discouraged from entering the workforce, making them dependent on male relatives or husbands, thus further hindering them to fully exercise their decision-making power with regards to sexual and reproductive health. Demographic factors certainly play a crucial role in determining women's economic participation. Marriage is a determining factor in the inactivity rates of women in Morocco. In both urban and rural areas, being married consistently reduces the probability of participation for women. [170] Yet older married women do better than younger married women indicating that *marriage age*, rather than age itself, is the key factor to understand female participation in the work force in Morocco [170], indicating that child marriage effectively inhibits economic opportunities for women. (paper 2) This is in line with research demonstrating that delaying marriage increases women's agency and decision-making power in the household. [170, 223, 228]

The research among the **Moroccan community in Belgium** also revealed limits for women to pursue activities outside the home such as classes or jobs. Financial aspects are closely linked to gender dynamics in the marriage. Obedience is expected in exchange for financial security. Before the introduction of the Moudawana in 2004, this requirement used to constitute the cornerstone for the family law in Morocco. [229, 230, paper 4] To a certain extent, this view on gender and marriage is perpetuated in the Belgian context. Many men from the Moroccan Belgian community 'choose' not to let their wives work professionally, and women accept this limitation if they consider themselves content with their partner in all other aspects. (paper 4) Similar to participants who were coerced to marry in Morocco (paper 3), dependency is continued throughout the transition from daughter to wife.

The factors of **educational attainment** and **financial dependence** are linked in a self-perpetuating cycle and must be addressed together. It is consistent with other studies finding that the girls most likely to marry early are those with the least education and lowest economic status. [231] In poor families, the intra-household mechanisms of decision-making and resource allocation may have an even greater impact on the welfare and health outcomes of family members. Households will behave differently according to who controls household expenditure. [232] Research demonstrates that when women have greater control over decision-making and allocation of resources, they tend to invest more in their families and communities, with important intergenerational as well as health and macro-economic benefits. [72, 233, 234] At the same time, educated women in Morocco are more likely to participate in the labour force. [170] Our research demonstrates that men, as heads of the family unit, hold decision-making power when it comes to resources and decisions on schooling or employment. Older women in such a household tend to reinforce male supremacy, and impose patriarchal norms on its younger members. Data from Morocco underscores that the presence of older women (over 64 years old) in the household tends to particularly suppress women's expression of agency. [170]

b) Premarital relationships: shame and guilt

In the **Moroccan Belgian community**, shame and guilt about **premarital relationships** prevails. The term 'relationship' itself is given a negative connotation. Feelings and expressions of sexual attraction outside of marriage are considered to be *unfavourable* and *inappropriate*. (paper 4) The

bad behaviour that is associated with relationships is an implication that stems from the education at home. Yet, this is a replicated belief from the meso-level and involves a personal impulse to adhere to social or cultural norms and uphold the family honour. In transgressing these social values or *rules*, it is implicitly held that you as a person are *inherently* bad by bringing shame on the family. Shame and guilt are both associated with societal ordering and rules. With guilt we are rejected for something we did or did not *do*, whereas with shame we are rejected for who we *are*. [235] Shame in particular has been proclaimed to heavily rely on culture-specific structures. [236, 237] A distinction can be made between a shame culture and a guilt culture. A shame culture generally reflects more collectivistic societies that have a strong communal defending of its values. In shame cultures it is assumed that someone's 'eyes' are always on you, watching for any slight digression from the norm. A guilt culture is more representative of individualistic societies that, because of a lack of strong cohesion, have created the need to internalise these 'outside eyes' in a deep-seated individual sense of guilt. [238] Yet it is argued that shame is a *human-universal* adaptation designed to defend against devaluation by members of one's local social environment, and therefore there should be similarities from culture to culture in shame, devaluation and their relationship. [239] Within this framework guilt and shame can be distinguished while simultaneously considering their connection. In guilt, harming others is to be avoided, a feeling that remains even if the other never discovers it. In shame, the outcome to avoid is being devalued by others. Both guilt and shame can be felt about the same act, but the functions or internal parameters are distinct. Someone can feel guilt and shame about infidelity and refrain from it. Whereas someone who feels shame but not guilt about that same act of infidelity might continue practicing it, but conceals it.

Among the participants of the Moroccan Belgian community, especially the younger women of the second-generation, both shame and guilt are referred to. (paper 4) This could indicate that the more individualistic Belgian culture is integrated in their lives through school and the media, in addition to their Moroccan heritage. Women and girls of the Moroccan community are more prone to being shamed and feeling guilt as opposed to the men. Participants reflected on the fact that both men and women of the Moroccan Belgian community transgress the strict cultural norms regarding premarital relationships, yet women's freedom is considerably curtailed through increased surveillance (paper 4) The 'double standards' for men and women are a source of resentment, given that men can most often lead concealed relationships. Shame as a devaluation in other people's eyes – the community – is only really felt when the transgression is known. (report 1) Given that this mechanism of surveillance occurs at the meso-level, the level of community, the ramifications for women will be discussed more in the next section (6.1.2.).

c) Partner preferences in the Moroccan Belgian community

In the context of the **Moroccan Belgian community**, **religion** emerged as a key attribute influencing partner choice among the younger participants. This ascribed characteristic, on an individual level, is obtained through the family in which a person is born.⁵¹ It therefore defines their personal status as well, seeing that this element will greatly influence the social networks (meso-level) in which they function daily. What is sought after is a practicing Muslim that shares the Islam as a focal point in life. Marriage is even referred to as *half of religion*, indicating its importance as a *religious duty*. (paper 4) Even more so than the Moroccan identity, religion emerges as the overarching identity trait. A partner from a different ethnic background also meets the requirements according to the younger participants, provided that this person is a practicing Muslim (paper 4). Seeing that parental expectations play an important role in leading to a forced marriage (paper 4), the choice of partner with a different ethnicity might be a risk factor. The contrast between the younger and older generation of the Moroccan Belgian community emerged quite strongly in this research. The older generation stressed the significance of *respect* and *obedience* to ones elders, effectively endorsing the husbands' superiority and the women's inferiority. By contrast, the younger generation is more aware of their Islamic identity and is

⁵¹ For this research population it is the case. When a person's converts to a religion in adult life it becomes an *acquired*, instead of an *ascribed* characteristic.

moving away from certain traditions and points of view. The *shame and submissiveness* has shifted to *increased assertiveness* (paper 4), with women becoming more vocal about their rights. Given the large number of multigenerational households in the Moroccan Belgian community [185, 240], the influence of older relatives remains prominent nevertheless.

Also among the **Moroccan Belgian community**, a preference for a **partner from Belgium** emerged. Participants referred to the difficulties in bridging cultural differences when a partner is brought over from Morocco. Expectations also differ, which can potentially lead to problems. A partner who was raised in a similar context does not present as many challenges, according to the younger participants. This is corroborated by a study based on data from the National Register. [241] The percentage of migration marriages with a partner from the country of origin between 2001 and 2008 was compared to the total number of marriages among the second-generation Turks and Moroccans in Belgium in the course of one year. After the quantitative data was extrapolated, figures indicated that marriages with a migrant partner on the whole declined from 53% to 38% between 2001 and 2008. On the contrary, marriages with descendants from the same community (co-ethnics) that grew up in Belgium increased. Although the data is general and applies to various minority population groups, it supports the preference among our research participants to choose a partner from Belgium. Given that this trend was initiated before the restrictive legislative reforms to the migration policy in 2011 as discussed in paper 1 and paper 4, it indicates that personal values and characteristics (at the micro-level) have altered. The risks involved in marrying a partner from the country of origin are taken into consideration by members of the minority population groups. [242] Rates of divorce, for example, are considerably higher in marriages with a partner from the country of origin. [243]

6.1.2. Meso-Level

The immediate environment, consisting of social networks and community, provides a context with which an individual interacts on a daily basis.

Prevailing norms on marriage and extra-marital relations, enshrined in the reigning beliefs in **Morocco**, have a decisive impact on the occurrence of child and forced marriage. The perception that the honour of a girl or young woman must be safeguarded (at all costs), is used to justify the (practice of) marrying off daughters. Participants commented on the fear of their daughters exceeding a certain age and remaining unmarried. The notion prevails that if a girl does not marry early on, nobody will want her. Therefore, in order to avoid her (creating problems and) bringing shame on the family, she is married off as a preventive measure. (paper 3) The institute of marriage is held in such high esteem in the public consciousness that unmarried women and men are considered a threat to social order because their sexuality would risk provoking social chaos. [73, 230, 244, 245]

Another aspect, according to research in Morocco [180], is that minor girls are increasingly experiencing gender-based violence, of which sexual violence figures most prominently. (paper 3) Parents consider marriage as a means to protect their daughter from violence. (paper 3) Along with the illegality of sexual relations outside of marriage, and the fact that abortion is criminalised as a public morality offense, considerably affects people's attitudes. The family's honour must be upheld, prompting a forced or child marriage. (paper 2, paper 3)

The notion that extra-marital relations are considered a disorder in society is mirrored among the participants of the **Moroccan Belgian community**. This belief or norm remains intact despite the migration process. The stigma around extra-marital relations surfaced quite strongly. The sheer act of immigrating does not diminish the importance attached to women's chastity – or at least the appearance thereof. The function of **women as carriers of group identity** is maintained through control of their sexuality. The migration context, where ethnic identity becomes more of an issue to consider, appears to sustain the notion of *acceptable femininity*. [246] Participants remarked upon

the **double standard in sexuality**. Young men and women do not always abide by the rules and norms, especially concerning premarital relationships. Yet women and girls are subjected to more surveillance because the family's honour depends on the girl's actions. The value that is attached to sexual chastity persists in Moroccan communities that have settled in Europe. [247] An expectation of virginity runs in the community. Men desire a woman of *impeccable reputation* for marriage. (paper 4) Participants pointed out that men often restrict women in the name of religion, effectively limiting woman's freedom, on account of sexual chastity being the only exchangeable capital for a woman. [247] Belgian physicians regularly perform hymen (re)constructions and produce certificates of virginity, regardless if the woman is a virgin or not. Because the virginity norm is based on a double standard, requiring women to remain chaste, but not men, some medical professionals do not want to contribute to maintaining the norm. [248-254] Yet hymen (re)constructions are justifiable if they improve the mental and social wellbeing, and as a result benefit the overall health of the patient. [248, 253, 255] Given the sensitive nature of the issue, more guidance is needed for physicians and medical staff to operate in the women's best interests, while safeguarding their own professional integrity. [256, 257] Even so, in recent years the Islam is seemingly playing a re-educational role in the Moroccan Belgian community with regards to the virginity norm. Increasing attention has also been given to how normative gender norms constrain women's sexual rights, particularly how expectations of female virginity and chastity can hinder women's access to sexual health information, reproductive and sexual autonomy, and positive sexuality. [258]

On the level of social networks, **religion** has historically been the 'social glue' that organises life in the immediate – and not so immediate – environment of any person. In the context of the **Moroccan Belgian community**, this element has taken on more importance. On a micro-level, religion is considered the most important characteristic in an individual as a potential partner in matrimony. The Islamic identity transcends ethnic origins. But on the meso-level, the level of social networks/community, religion is also taking on the role of a progressive voice. Participants referred to the educational impact of the Islam in themes such as forced marriage, the virginity norm, and even divorce. The topic of divorce usually evokes a sense of shame in the first instance.⁵²

"In the beginning, divorce was really a taboo for me. I felt so really weird, what people are going to think of me, yes, I was actually ashamed." (FGD 8)

"For example, when my sister wanted to divorce her husband 20 years ago, it was unthinkable for them. It took my sister a lot of trouble to persuade them. For my parents and the Moroccan community then, it was a big taboo and there was no separation. You had to submit to the will of Allah and you had to undergo your destiny." (Interview 29)

Participants confirmed that a separation process is accompanied by additional concerns about social control: What will the neighbours think? What will the family say? Everyone is going to talk about my situation, etc. Divorce is essentially not seen as a valid option, but rather as an "emergency exit". (interview 21). For young women too, breaking a marriage is often seen as a last resort. With regards to the taboo atmosphere that accompanies divorce, there is concurrently a decisive change happening. Participants pointed out that Islam supports divorce: "Our faith gives us this right and we can use it if necessary." (Interview 26) The informative and teaching role of mosques about Islam contributes to this. For example, a participant testified that divorce was a real taboo and that it was not allowed in her community. But now, after attending many lectures at the mosque, "*my parents know better and try to offer their children free choice.*" (Interview 29)

⁵² These research results from the Moroccan Belgian community were not included in paper 4 due to constraints regarding the length of the article. They are provided here to add more depth and scope to the discussion.

Religion is paving the way to leave certain traditional values and customs behind that are not supported by the Islam. Older women participating in an intergenerational FGD pointed out how men often restrict women in the name of religion; abusing the Islam to limit women's freedom. Yet, as regards old traditions and norms in the Moroccan Belgian community, religion is seemingly playing a re-educational role. Participants considered it of the utmost importance to stress that forced marriage is prohibited according to the rules of the Islam, and that the virginity norm is not part of the Islam (paper 4).

In **Morocco** however, our research lays bare an underlying conservative attitude in applying the law due to engrained beliefs that are based on traditional interpretations of the Islam. Despite the progressive spirit of the Moudawana (see 6.1.3.b as well) children/girls are often married off by both magistrates and relatives because they are considered *of age according to the Sharia*. (paper 2). Yet the Moudawana itself might be partly responsible. The last article states that judges should turn to Morocco's Maliki school of Islam⁵³ when there is doubt or when the law does not provide an answer. The majority of judges are male and married, which influences their viewpoints, and effectively allows conservative visions of the family unit to motivate their rulings. (Paper 2) So overall, the patriarchal underpinnings in Moroccan society are still pervasive, in turn influencing the interpretation and perceptions of the Islam. Initiatives have been taken to train judges. The Institut Supérieure de la Magistrature (national judicial training centre) collaborated with the American Bar Association Rule of Law Initiative (ABA-ROLI) and other stakeholders to develop an E-learning curriculum on the Moudawana with specific modules on gender equality under international human rights and Islam. [229] Another training, geared specifically towards family court judges took place from 2008 to 2013 with the aim of implementing equal rights and consolidating women's rights in cases brought to the family courts in Morocco. The program, a partnership between Morocco's Ministry of Justice and the Danish Centre for Research and Information on Gender Equality and Diversity (KVINFO), also served to raise awareness so judges become more attuned to the actual intentions of the law. If judges communicate that women's rights are indeed codified by law, this will significantly contribute to their implementation. [259]

Even as education and economic opportunities become more widespread, in countries where religious, cultural or traditional justifications for child and forced marriage are deeply embedded, a profound shift in social norms is required to abolish the practice. [260] Therefore, despite economic progress in the Marrakech region and Morocco at large, without drastic changes to the prevailing social norms and their endorsement by government institutions, the numbers of forced and child marriage will continue at the same rate.

Nonetheless, religious leaders can be effective advocates to call a halt to the practice and lead a collective shift in social values [260], which we are already witnessing among the Moroccan community in Belgium. (paper 4)

6.1.3. Macro-Level

a) Educational system and economic development

The **educational system** in **Morocco** needs to address barriers at the structural level. Gender is an important factor in explaining inequality in education-related opportunities. [170] As a number of participants states, gender inequality appears to be embedded in Morocco's education (paper 2) This is reflected in the content of Moroccan school books [261], and in the presence of mostly male teachers in rural schools. [262] Substandard facilities, overcrowded classrooms and absentee teachers also contribute to poor educational outcomes such as high drop-out rates and low

⁵³ The Malekite school is one of the four schools of religious law within Sunni Islam. It is followed by approximately 35% of Muslims, notably in North and West Africa. [Art. 400 Code de la Famille (Moudawana), Bulletin Officiel No. 5358 (6 Oct. 2005)]

achievement levels. [72, 170] The gender gap in primary completion rates remains much wider in Morocco than in other lower middle-income countries. Female adult (44%) and youth literacy (72%) remains exceptionally low when compared to male adult (69%) and youth literacy (87%). [170] These percentages entail that more than five and a half million women in Morocco in 2015 were completely illiterate. [170] Rural areas demonstrate the highest concentration, with 65% of women versus 34% of men. [170]

Participants in our research stated explicitly that forced marriage is the result of a fixed belief in masculine authority that is also upheld by women, especially the older generation. (paper 2) This reflects a vicious circle, with beliefs passed on from one generation to the next. Unfortunately, the Moroccan school system in itself does not challenge gender-based violence, on the contrary it perpetuates notions of male superiority. (paper 2) This is reflected in lower literacy rates for girls compared to boys who also outnumber girls in primary net enrolment rates. Not only formal education will limit the risk of forced marriage. The **media**, including information and communication technology, presents a channel through which gaps in education can be somewhat narrowed, if not closed completely. (paper 2) Television is a central part of every home in Morocco according to participants (paper 2), so by using this medium in a constructive manner, information and knowledge can be simultaneously spread to members of several generations, both male and female. Morocco's media, however, consistently portray women as housewives and mothers, and fail to use gender-sensitive language. [170] Yet the use of television and radio does offer the greatest potential for awareness campaigns to reach every household. Media outlets should also target the older generations, given that they have significant decision-making power about the future of their daughters. (paper 3) Moreover, the beliefs of older family members also influence the perspectives and views of the younger men in the household. (paper 3) Given that men, as individuals, family members and social gatekeepers, can negatively influence women's sexual and reproductive health and autonomy, more attention is needed to introduce gender equality at a young age to break the cycle of masculine superiority. [263]

Economic development is equally significant in light of its strong correlation with sexual and reproductive rights. Participants reported that most judges in **Moroccan** family courts authorize underage marriages for economic reasons, especially in poor regions. (paper 2) In terms of female participation in the work force, Morocco ranks in the bottom 20% of countries in the world. Over the past twenty years there has barely been actual progress on women's participation. Women represent half of the population in Morocco. Yet their activity rate in 2011 was about 26 percent in comparison to 75 percent of men, at the same level as in 1990. [170] Despite being regarded one of the most liberal and reformist countries in the MENA region, it is lagging behind in terms of women's participation in the work force, especially considering that the MENA region already displays the lowest female activity rate in the world. The progress Morocco made in closing equality gaps in law, particularly with related to personal and family law, has been insufficient to level the barriers that still prevent women from working. Several participants also call for legal amendments to support women's economic independence. The Moudawana, for example, did not eliminate gender discrimination in the inheritance system: a woman only receives half of what her brother receives, further obstructing women's economic security. (paper 2) Economic inequalities also form the basis for less education, perpetuating a vicious cycle resulting in less awareness about basic sexual and reproductive rights. (paper 2) By curtailing women's agency in this respect, it increases their vulnerability for child and forced marriage.

b) Legislation and policies

Legislation and policies emerge as paramount in advancing women's sexual and reproductive health and rights. Yet the context in which these regulations emerge is defining and cannot be interchanged. Whereas there was a definite call in Morocco for stricter laws regarding forced marriage and sexual violence, and especially the application of prevailing rules in the Moudawana, this was less straightforward in the Belgian (and European) context.

i. Morocco

The research in Morocco points to an overall perception of insufficient legal protection on the one hand, and the need for enforcement of the existing framework on the other hand. Participants called for a specific criminal law that prohibits forced marriages. The accompanying prison sentence is deemed to have a deterrent effect. A supportive legal framework is regarded as a safeguard against forced marriage and sexual violence. Since the reform of the Moudawana (Family Code) in 2004, establishing a minimum age for marriage, not much has shifted with regards to child marriage. The numbers remain high, even today. According to official statistics, 35,152 cases were reported in 2014, whereas that number was 33,596 in 2009. [178, paper 3] “*Legal pragmatism*” is cited as a reason why patriarchal values continue to be imposed by magistrates and legal/administrative professionals alike. (paper 2) Unmarried women do not have rights and are often abandoned by their families. Unwed mothers and their children are among the most legally and socially marginalized people in Morocco. (paper 2) Therefore, judges often authorize the marriage of minor girls as a means of protection against non-contractual customary “Al Fatiha” marriages. [72] The root issue is that Moroccan law does not go far enough in protecting (violence against) women and upholds patriarchal views in society. This is reflected in the illegality of sexual relations outside of marriage, including same-sex sexual relations, seriously affecting their rights and access to protection. [264] Moreover, the fact that abortion is criminalised as a public morality offence, with the number of clandestine abortions estimated between 600 and 800 per day, constitutes a major health risk. [178] Only as a result of a tragedy, public outrage and pressure from human rights organisations, was article 475 of the Criminal Code repealed. This controversial article rendered it possible for a rapist to escape punishment and a prison sentence by marrying his underage victim, effectively legalizing a forced marriage. Amina’s suicide in 2012, after experiencing this ordeal, resulted in mass protests and led to the Ministry of Justice announcing a reform. [178] Finally, in January 2014, Moroccan Parliament unanimously amended the controversial article. [265] The adoption of the new constitution in 2011, firmly establishing the principle of equality between men and women for the first time in Morocco, had raised expectations for more legislative measures to protect the physical and psychological integrity of women and girls. [266] Despite the formulation of law no. 103.13 on violence against women in 2013 [267], numerous detrimental provisions are still engrained in Moroccan law. Heavily criticized, the bill remained in the last stages of the legislative process for years⁵⁴ and only recently, in September 2018, entered into force. [269-271] Some go as far to state that law no. 103.13 is totally inadequate. [272] Its deficiencies start with the basic definition of violence, which does not cover all forms of violence to which women may be subjected. [178, 267] Most new offences in the draft law focus on protecting married or divorced women. For the first time, forced marriage is included as a criminal offence, penalized with prison sentences ranging from 6 months to 1 year, and fines up to 30,000 Moroccan dirhams. [267]

On the whole, Morocco’s objectionable track record with regards to women’s rights was recently highlighted again during the Universal Periodic Review (UPR)⁵⁵ by the Human Rights Council of the UN. At its 27th session in May 2017, a list of recommendations regarding violence against women were presented. [273] In September 2017, the report of the Working Group on the Universal Review of Morocco was published with a list of conclusions and recommendations. [274] In essence, the criminalization of marital rape and decriminalization of sexual relations

⁵⁴ The Moroccan House of Councillors, the Istiqlalian Women’s Organisation and the Istiqlalian Group of Unity and Egalitarianism joined together in November 2017 to oversee the draft bill on the fight against violence against women. [268]

⁵⁵ The Universal Periodic Review (UPR) is a unique process that involves a periodic review of the human rights records of all 193 UN Member States. Since its first meeting was held in April 2008, all 193 UN member States have been reviewed twice within the first and second UPR cycles. During the third UPR cycle, States are again expected to spell out steps they have taken to implement recommendations posed during their previous reviews which they committed to follow-up on, as well as to highlight recent human rights developments in the country. [274]

outside marriage are significantly absent from law no. 103.13. The importance of widening the protection for women that are victims of violence is paramount. Furthermore, as highlighted in papers 2 and 3, the Working Report recommends ensuring that the minimum age of marriage at 18 years is respected, including preventing judges from authorizing children to marry under article 20 of the Moudawana (Family Code).

Amidst the criticism, several initiatives demonstrate the government's commitment to ensure better protection for women and girls. In 2013 a National Observatory on Violence Against Women (ONVEF) was established to monitor the various forms of violence and promote the rights of women. [178] In addition, a Government Plan for Equality 2012-2016 was developed to strengthen the representation of women and fight discrimination. This was followed by a new Plan 2016-2020 (Gender Action Plan II) on 26 October 2015. At the international level Morocco's dedication is indicated by officially lifting its reservations to the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) in 2011.⁵⁶ Furthermore, a law approving the optional protocol to CEDAW was adopted by Parliament in July 2015. [178]

Although political will is shown, reforms are marked by delays and legislative gaps remain to improve the protection of women and girls. For example, the law no. 103.13 neglects to provide procedural guidelines or give clearly specified powers to police, judges and lawyers investigating and prosecuting claims, raising serious doubts about the implementation of the provisions. [275] Services such as health care and housing to female victims are also notably absent.

ii. Belgium

The European Union's policy impacts heavily on its Member States. Therefore, the Resolutions and Directives at European level need to be taken into account in any study of a specific Member State such as Belgium. The limitations to the right to family reunification and the pressure to introduce specific criminal laws to counter forced marriage present the framework within which the Belgian government operates. The decision-making-process regarding policy choices is, as a result, strongly influenced – or predetermined.

With regards to forced and child marriages, the values attached to the issue appear to have a decisive impact. In public debates, the media and literature, forced marriage is linked to minorities and the problems surrounding migration. (paper 1) It is considered to be a custom of a cultural minority that is at odds with the values of the dominant culture. Through its association with marriages of convenience, it is linked to illegal migration as well (paper 4; report 1). By 'problematizing' the presence of minorities, the present policies fail to provide effective solutions and adequate victim protection. [151, 276-279, paper 1]

Our research points to the considerable impact of the prevailing immigration legislation and policies on the Moroccan community in Belgium. (paper 4). The introduction of stringent family reunification provisions in 2011 appears to affect minority communities in a discriminatory way. Women in our research reported how these measures are steering them away from choosing a partner from Morocco, effectively impacting their right to private and family life as guaranteed by article 8 of the European Convention on Human Rights (ECHR). (paper 4) Although the choice for a migrant partner from Morocco had already been decreasing slightly over the years due to personal preferences (see micro-level), the sharp drop in permits for family reunification after the new migration legislation entered into force in 2011 was considerable. Between 2010 and 2013, 49% less first permits were issued to family members of Moroccan and Turkish nationalities. [280] The debate regarding criminalization – whether or not a specific offence in the criminal code would be more effective to tackle forced marriage – has subsided. Under European pressure, notably the Istanbul Convention, most Member States have now introduced provisions to their criminal code. [15, 19] Specific criminal laws are now in place in Belgium, Bulgaria, Croatia, Cyprus, Denmark, Germany, Spain, Luxembourg, Malta, Portugal, Slovenia, Sweden and the UK. [15] A study indicated that it is the conjunction of anti-immigrant governments with liberal individualist

⁵⁶ Morocco had ratified the CEDAW in 1993. [147]

discourse on forced marriage, which has led to a rapid spread of criminalization throughout Europe. [281]

Despite the introduction of specific criminal provisions, very few cases have been prosecuted. Case-law is notably absent in many countries. This is not due to an absence of incidences of forced marriage. The majority of cases never reach the courts. Criminalisation seemingly has no considerable impact on the occurrence of forced marriage. Challenges hindering prosecution were once more emphasized in a recent report. [15] Our research shows that the lack of structures to support victims of forced marriage is a key element; in particular the absence of protection programmes that are tailored to meet those confronted with coercion to marry. (papers 1 and 4; report 1) Because the perpetrators are immediate family members, or to be found amongst relatives, victims reside in an exceptionally vulnerable position. Without psychological assistance and financial support (often including housing), they do not have the resources to report their case and press charges. (report 1) The conflict of loyalties is paramount. Especially in a migration context, where families and communities are closely intertwined, victims face the daunting prospect of having to break away from all that is familiar to them and plunge into an uncertain and insecure new life. (report 1) They also do not want to see their relatives in prison. Without adequate support on all levels (psychological, legal, financial, etc.) a decision to report is not alluring. Moreover, the results point to the necessity of specialist services, including social workers from the same ethnic background (paper 4; report 1), given that participants reflected on the fact that they are more likely to trust minority ethnic women's services.

Although Belgium has been active in adopting policies at federal and community level to address forced marriage within the wider context of violence against women⁵⁷, only 2 cases have effectively been prosecuted and tried at court level.⁵⁸ [15] The National Action Plan 2015-2019 builds on the consecutive National Action Plans since 2001 that aim to bring awareness to gender based violence without targeting specific migrant population groups or minorities. By recognising that violence against women is a structural problem across cultures and nations, the policies intend to tackle systemic discrimination at the base. Taking the research results into account, this inclusive gender-perspective on violence should still be accompanied by specialist *ethnic* first-line services for (potential) victims of forced marriage to encourage reporting. Research in Belgium points to a fear or lack of confidence among service providers (frontline workers) to actively intervene in what often is perceived as a matter of the private sphere. (report 1) Fear of stigmatizing the community and coming across as 'racist' drives this behaviour in part. (report 1) Service providers want to be perceived as respectful for other cultures. The danger in this approach is that it reinforces stereotypes, allowing certain harmful practices to continue. The serious health and psychological burdens that these women and girls endure, are not attended to. (report 1) Framing the issue from a health perspective, and addressing the issue as such by offering coordinated services at health centres (within a multi-sectoral response), offers the advantage of accessibility combined with patient confidentiality.

There is a need for more diversity among the social workers and health care workers. Victims, including girls and women at risk, feel more comfortable seeking help with someone from their own community and background. [paper 1, paper 4, 109, 278, 282, 283]. Nevertheless, it is not straightforward for organisations, charities and health care facilities to reflect the diverse population that they cater for. Therefore training is necessary for health professionals and social workers to integrate intercultural competencies. Basic knowledge and tools for health care

⁵⁷ The Institute for Equality between Women and Men drafted the 'National Action Plan fighting against all forms of gender-based violence 2015-2019', which focuses on all forms of gender-based violence, including forced marriage.

⁵⁸ In the last case, involving 2 Roma girls forced into marriage in 2014, perpetrators were condemned for 'Trafficking in Human Beings'. This highlights the link between human trafficking and forced marriage, yet also points to inadequacies surrounding the specific offence for forced marriage. It's actual effectiveness in tackling the issue remains to be seen. (report 1)

providers to respectfully and effectively support members of various ethnic communities are indispensable.⁵⁹

Setting up and funding a coordinated trauma-informed and grassroots network (with links to community organisations and support/peer groups) will do much to (1) prevent forced and child marriage from occurring, to (2) support women within their communities and to (3) mitigate adverse consequences (e.g. for women who want to leave a forced marriage).

Despite recognizing the benefits of a coordinated multi-sectoral response, government-led strategies are still under-resourced in all contexts. [288, 289] There has been a sharp increase in short-term vertical (siloed) programs that are restricted to a distinct group or focus on a single specific forms of violence, such as sexual violence and Interpersonal Violence (IPV), Female Genital Mutilation (FGM), or child and forced marriage. [129] This targeted attention misses out on the links between these forms of violence (e.g. FGM as a child can be a precursor to a child/forced marriage). Vertical programming overlook these opportunities for synergy. [124] They work with either a single population group (men or women experiencing violence) or just one sector (health care, police or judiciary, etc.) without making the necessary connections with other issues and institutions. Often, training is provided on a single topic, but long-term ongoing training of health practitioners in a range of services has proved more effective in recognizing the underlying gender inequality in cases of violence. Nevertheless, recognizing this (gender imbalance) is necessary to assess women and girls at risk, and to identify any shortcomings in service provision and opportunities in the treatment and follow-up of (potential) victims.

Overall, strengthening the role of the health system within a national response involving multiple sectors to address violence, particularly against women and children, builds on the World Health Assembly Resolution 67.15. Such a large-scale response needs a top-down approach, including funding and commitment. However, the measures against forced marriage took a punitive path, as opposed to a preventive one, which would consider creating alternatives for immigrant women so they can resist forced marriages successfully. [281] Women and girls are stripped of their agency, given that criminalization entails that public prosecution is mandated to take over.

6.2. Impact of the migratory context

This aspect – the migratory context – was taken into consideration throughout the previous section (6.1.), reflecting which elements pervaded throughout the migration process and which features have shifted. Yet, because studies and literature in Europe have suggested that forced marriage (in Europe) is a product of migration rather than a ‘tradition’ exported from the country of origin [32, 160, 283], this section explores this aspect more explicitly in relation to forced and child marriage. Hooghiemstra (2001) explains that integration at the structural level (language, housing, work, education, etc.) leads to a new desire to keep alive traditions at the personal level. [217] The diaspora experience is believed to create an additional dimension to the meaning of forced marriage, in the sense that parents impose an unwanted marriage in order to curb the influence of

⁵⁹ Within the health care system, Islamic values and ethical guidelines may pose cultural challenges or conflicts. Responses to these challenges by health providers further influence health-seeking behaviours. For example, in an assessment of maternal health needs, Muslim women reported feeling that their needs for privacy, modesty, their preferences for same-sex providers and their requests for information regarding newborn circumcision were not met by the health-care system. [284] A lack of cultural accommodation to meet these needs, may be perceived by patients as discriminatory. In another study, women wearing the Muslim headscarf reported that they were presumed to be ignorant, were at times refused care, and were assumed to have abusive husbands. [285] Their concern for modesty is also reported to be misinterpreted as shame for their bodies. This potentially influences future health care-seeking behaviour. Failure by the health system to accommodate these expectations may result in delayed health seeking. [286] For example, women reported low participation in pap smears due to conceptions of modesty that were not accommodated. [287] Even if some demands may be challenging to the health-care system at times (e.g. same-sex providers), if these needs are left unaccommodated, it could likely affect downstream health care-seeking patterns [286], effectively leading to an exclusion of a specific population group.

Western culture over their children. Similarly, forced marriage is also used to end their children's association with so-called unsuitable partners. [56, 283] Research from the UK unveiled that forced consanguineous marriage, a union between individuals who are (closely) related, is reasserted as a traditional cultural practice due to stricter immigration policies. In certain ethnic minorities, such as the Pakistani, a sense of obligation to kin and the need to maintain links to the home communities contributes to the use of marriage as an immigration strategy. [290, 291]

The increased scrutinisation of minorities after the 9/11 attacks, and the ensuing violence in Europe in the following decade, impacted policy heavily. The acute pressure for assimilation of minorities resulted in governments cracking down on practices that are considered contrary to Western values. (paper 1) This, in turn, has resulted in young migrants asserting their cultural identity even stronger, planting the seeds for radicalisation. [292, 293] Research on marriage practices among minority women has uncovered instances where young women have articulated their desire to uphold cultural norms by actively pursuing arranged marriages out of a need to stand up for their sense of belonging within a minority community. [291, 294] The migratory context is said to influence the shape and nature of forced marriage. Instead of an automatic adoption of social practices from the country of origin, it needs to be understood as a product of immigration and the diaspora experience, especially among South Asian immigrant communities in the UK. [295]

While acknowledging the veracity of these theories for certain population groups (report 1), our specific research context does not corroborate these findings. Forced marriage and child marriage does not appear to be widespread, nor a common phenomenon among the Moroccan community in Belgium nowadays. Participants were quite outspoken about the forced and child marriages of their parents. Some older participants referred to their own experiences with an unwanted marriage before migrating to Belgium. Yet, the diaspora experience and migration context did not and does not give rise to a new wave of forced and child marriage. (paper 4)

It must be emphasised that these findings are very specific to the Moroccan Belgian community in the context of marriage. Other research in Belgium has uncovered ethnic minorities where the practice of child and forced marriage is a rising problem, such as the Roma and Pakistani/Afghan population groups. (report 1) This also highlights a difference between first- and second-generation migrants. The generational evolution among the Moroccan Belgian community is apparent in the increased assertiveness of the younger generation. (paper 4) Whereas traditionally, women and girls did not have a voice, now they are now standing up for their rights. (paper 4). This is also reflected in the Matrifor study (report 1), highlighting that the more established second-generation Moroccan community has more scope to negotiate and greater freedom to choose a marriage partner.

6.3. Agency as transversal theme

“Agency invokes an ability to overcome barriers, to question or confront situations of oppression and deprivation and, as individuals or together with others, to have influence and be heard in society.” [296]

Education emerged as paramount to prevent child and forced marriages in Morocco. Yet participants also pointed out that coercion to marry could occur in every level of society, regardless of age or educational level. (paper 2) This paradox reveals the difference between theoretical knowledge and inherent empowerment or *agency*. Whereas the former merely consists of dissemination of information or awareness raising activities, the latter goes much further. When mere knowledge about one's rights is integrated, it becomes a true foothold and tool that is utilized in an effective manner. In our research it was referred to as girls' and women's *self-worth*, her *innate confidence to seek solutions rather than maintain the status quo* (paper 2). It transmutes the victim-paradigm into that of an actor, an agent of change.

Agency, the ability of an individual or a group to make choices and convert them into desired outcomes, has a significant function in contributing to women's basic human rights and fundamental freedoms. [170] It promotes household decision-making, enhances sexual and reproductive health and allows for greater participation in social life and the public sphere. [297] What's more, it improves children's health and well-being and shapes their future behaviour. Women who effectively exercise their agency transform the lives of generations to come. In the Moroccan context, where the norms and behaviour of older generations weigh heavily on household decisions and outcomes, support for women's agency cannot be emphasized enough to break the cycle of forced marriage and gender disparity. (paper 3)

In this research, a bottom-up or grassroots notion of agency emerged quite early on, which is not just equated to individual will and resistance to oppression. Much in line with Kabeer's concept of agency, it refers to the *capacity* to define 'one's goals and act on them', and 'goes beyond the observable behaviour to encompass the meaning, motivation, skills, and purpose that people bring to their action, their sense of agency.' [298] In that sense, the individual has the choice *whether or not to act*. It is the awareness or capacity to discern choices and purpose in life. A girl or woman can therefore deliberately go ahead with what – at the outset – could be perceived as an oppressive situation such as forced marriage. By actively choosing not to 'break' away from her family and community and resist a situation, she is equally empowered in her choice, and, consequently, transcends the victim-paradigm. Moreover, she safeguards the next generation, her offspring, from the intergenerational effects that are victim-induced. In that sense it also relates to the work of Alkire, which focuses on individual agency as something that is "intrinsically valuable" in itself and of central importance. [299] The consciousness that drives the meaning, motivation, skills and purpose of individuals' actions (or non-actions) is as important – or even more so. Building on this work, Klein argues that agency is not only a matter of social structures/relations and the ability for making choices, but also includes a person's psychological state, such as self-belief. [300] Rather than positing oppressive structures on one side, and agency on the other, empowered agency need not involve an outright rejection of oppressive norms, but rather operates through "*displacement*" (intrinsic shifts) from within. [301-303] The conceptualization of agency as resistance to domination and constraint is limited because it leaves unexplained the capabilities of individuals to respond to oppression in a less defensive and even, at times, a more creative fashion. [304] Calls are made to move away from simpler oppositions of agent and victim, and towards the complex ways in which agency and coercion are entwined. [305]

Even so, a person's values or desires need to be seen in light of the socio-cultural context. Institutional bias can constrain people's ability to make strategic life choices. [298] Principles might be forced upon them by a social order that is hard to change, and the person in question might be so used to the 'status-quo' that they cannot even imagine things to be different. The limits and possibilities of women's agency are within existing gendered structures. [306] Agency is 'embodied' because it includes emotional and affective dimensions, and because dynamics of social control are internalized as bodily norms. [304] Agency is furthermore 'relational' because it is constituted through intersubjective relations and structural hierarchies of power. [304] In that sense, social norms and the law have been recognized as key drivers of agency. [79] Formal and informal institutions, markets, and households are all affected by social norms. Furthermore, norms affect people's daily activities and act as an underlying and sometimes subconscious factor at the micro-level that impacts processing information, making decisions, and taking actions. [79] Norms also become enshrined in law. Regressive laws and legal institutions hinder women's agency and perpetuate discriminatory norms in many ways. Gender discrimination in the inheritance system in Morocco is just one example of the legal framework effectively limiting Moroccan women. (paper 2) The fact that coercion to marry could occur *regardless of education* (paper 2) can be explained by the impact of social norms and restrictive legislation on women's agency. Constraints in agency in one domain tend to spill over to different areas of life. Where these agency-related constraints connect and overlap, they may heighten girls and women's experience of deprivation. [170] In this context, a cross-country study based on the Demographic and Health Survey (DHS) data shows a high correlation of agency in three dimensions: control

over sexuality and family formation, freedom from violence, and control over resources. The analysis demonstrates that nearly 1 in 5 women experience agency-related constraints in all three areas. Moreover, these deprivations of agency are related to other disadvantages, in particular access to education. [79] A finding in recent research is that the completion of secondary education significantly reduces women's and girls' risk of experiencing agency deprivations. [222] Completion of secondary education and above is associated with doubling or tripling of sexual autonomy. [297] Yet, the focus should not only be on women and girls. The husband's education is also associated with a higher likelihood of his partner having sexual autonomy [222], highlighting the importance of implicating boys and men to address gender inequalities.

Findings from Morocco also point to restricted mobility as a barrier to girls' ability to express their voice and exercise their agency. Girls being perceived as an economic burden is a major factor affecting their ability to make choices over their lives. Because they are not seen in terms of their economic potential, education is considered a cost that is not worthwhile. [72] The problem is not only rooted in difficulties accessing education, our research shows that gender inequality is embedded in the education system itself. (paper 2)

Together with the country's legal framework and reigning social norms, access to fundamental resources, such as education and economic assets, is only part of the equation. Agency overlaps on all levels, with one domain reinforcing the other, thus contributing to improve social, economic and health outcomes. [170] The interaction of all these dimensions (micro, meso and macro) is imperative in promoting development, women's health and rights and in tackling forced and child marriage.

Policy choices regarding forced and child marriage in Belgium and other European countries do not always take the aspect of women's agency within minorities into account. The specific criminal law against forced marriage leads to police-led interventions over which the victims have little or no control, effectively stripping them of their agency (paper 1). Linking immigration policy with the issue of forced and child marriage redirects remedial measures away from victims and legitimates a punitive course. (paper 1) Supporting women from within their communities, which is essential for them to exercise their own will, is overlooked in favour of governments' top-down focus on regulation. [32, 307, 308] Engaging with women and (potential) victims of forced and child marriage as agents of change is crucial to avoid further victimisation. The prevailing policy discourse approaches forced marriage as a cultural problem and fails to look deeper into the very nature and reason for its occurrence. [34, paper 1, paper 4 , report 1] Therefore it is at odds with the needs of those it seeks to assist.

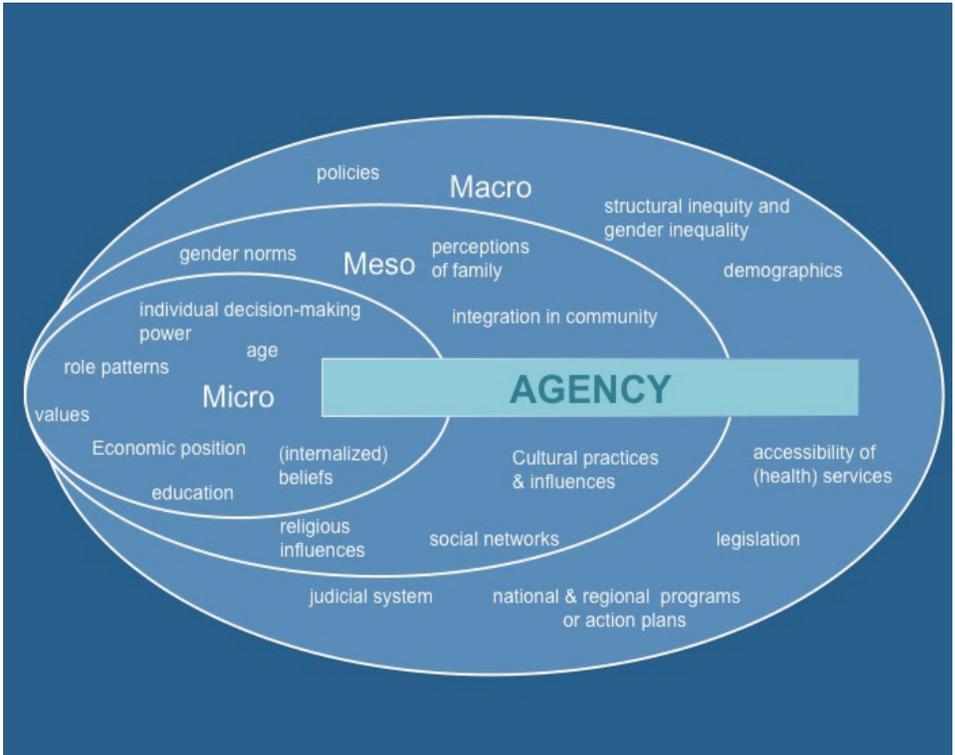


Figure 6.1: Determinants of forced and child marriage identified in this doctoral research study

6.4. Limitations

Like all research techniques, qualitative methods have limitations. Findings cannot be generalized nor portrayed as representative of forced and child marriage in general. Qualitative techniques offer ecological validity, which is context-bound, at the cost of reproducibility and generalizability. [309]

As with the nature of qualitative research, the results are highly driven by the participants of the research population. In order to offer the highest levels of safety and anonymity for our participants, we only included women and involved local associations to provide support if the need presented. As researchers, we do our utmost best to set up the methodological framework in such a manner that the recruitment process will result in a myriad of participants who reflect and represent their community in a comprehensive way. The recruitment via local associations and women’s organisations cannot, however, assure a representative sample.

What distinguish the use of focus group discussions from other methods are the interactions that take place within focus groups. [310] Yet interactive features also involve the possibility of individuals dominating within the groups. One can never be entirely sure that outspoken

participants will drown out the voices of the more introvert ones, or that some participants might withhold information out of shame or fear from repercussions in their community. Influential individuals, that have a position of status or authority in the group or community at large might shape some of the responses. Notwithstanding, in collaboration with local organisations and trusted key figures within the communities, we have attempted to create neutral and safe environments to express. Especially with regards to the Intergenerational Dialogue, care was taken to balance the group between older members of the community and the younger generation, as to provide an as supportive context as possible for all participants.

Because this research mainly focused on women and girls, we can not make any statements about determinants of forced and child marriage among men and boys, nor the extent of its impacts on them. Additionally, we want to underscore that the views on the determinants of forced and child marriage were provided by women. Therefore, the perspective of men is not included in this research study, which has consequences to the validity of the outcome. The study protocol and implementation of the participatory research is predominantly based on Ellsberg and Heise [207], which highlights the need to safeguard women's safety. While this is of pivotal importance, the absence of participation of men as (prospective) husbands and/or fathers is a restriction. In recent years, since the study design was developed and implemented, the research paradigm has evolved. It is acknowledged that women's role in society isn't autonomous from gender relations and the relation between men and women should be taken into consideration in any research or intervention, rather than study women as separate beings. [311, 312] Due to the slow (or rather limited) progress on gendered equality, involving men is an effective way for scaling down gender inequalities. What's more, excluding men in programs and interventions offers them little chance to challenge the stereotypes ascribed to them. [313]

As mentioned in the "Methodology" section, the participatory research was carried out between February 2011 and April 2014. Even though the data was collected some time ago, we reflect the course of developments (in legislation, policy, research studies, etc.) throughout this manuscript up until October 2018.

This research is characterized by its multicultural and multi-country nature. While this is also a strength in providing a rich tapestry of data, specific terms and words are not always understood in a uniform manner in all research settings. An example is the definition of forced marriage and arranged marriage. What constitutes force for one person or community may be considered pressure, yet not acute force in another. In this respect, our community researchers took care to reflect any discussions, interpretations and deliberations within the FGDs, and to provide answers in response to questions from participants, effectively clarifying the issue using abstract examples and vignettes. Given that the research was conducted in Berber, Moroccan Arabic and Dutch, we worked closely with the native speakers to back translate and to provide feedback on particular interpretations. While local community researchers in the various research settings did verify our analysis of the results, we cannot rule out that an interpretation from a Western point of view might have entered the results.

6.5. Conclusions and recommendations

In the Moroccan context, the Moudawana received much attention as a step forward in women's rights. Yet the reality is that forced and child marriages remain common. From the viewpoint of professionals who are closely involved in tackling the issue in Morocco, policy measures and the law have considerable potential in bringing child marriages and forced marriages to a halt. Despite reforms, equality gaps between men and women remain in a number of laws, particularly in relation to family matters, which continue to weaken women's agency. Women are still not sufficiently protected from violence, which is also indicated by the UN Human Rights Council's Universal Periodic Review in 2017. The problem lies in the fact that the applicable legal frameworks are interpreted through the lens of restrictive social norms, thus further reinforcing the

bias towards women. Social norms in Morocco impact on all aspects of agency, including economic participation, roles in family life and the ability to participate in public life. They are often maintained and strengthened through biased delivery of services by public sector institutions, failing to comply with applicable legal and administrative frameworks. This is the case, for example, when judges in family courts apply their own viewpoints and beliefs to authorize underage marriages.

The combination of unequal treatment in legislation together with limiting social norms that affect women's behaviour cause severe obstacles preventing women's agency. Legal restrictions reflect the prevailing social norms, especially with regards to family and personal life, where the concept of family honour is effectively upheld by the law. This is evident in the criminalization of consensual sexual relations outside of marriage, yet marital rape is not punished. Norms are enforced through family and community pressure on the one hand, and through self-enforcement by the individual on the other hand. Shame is an inherent part of the culture. This is also discernible in the Moroccan Belgian community, where it lives on in shame around premarital relationships.

The importance of specifically directing efforts towards the older generation of parents and grandparents emerged from the research. As a result of the use of the Intergenerational Dialogue method, participants repeatedly emphasized the need for more opportunities to have open communication between parents and children. The pressure on young women and girls from the elders is often considerable, effectively discouraging daughters from claiming their right to freely enter into marriage. Women in Morocco who openly oppose the will of their fathers are subject to intimidation and ostracism from their families, rendering them cut-off and alone in a male dominated public space. [314]

This also highlights the problem with the specific criminal law against forced marriage in Belgium and other European countries. It takes away the victim's agency, in the sense that police-led interventions and public prosecutors take over without consent from the women or girl herself. Women's agency within minorities is effectively ignored, and victims find themselves alone, unable to remain in their family and social environment. Supporting women from within their communities is overlooked in favour of governments' top-down focus on regulation. [32, 307, 308] Similarly, linking immigration policy with the issue of forced marriage redirects remedial measures away from victims and legitimizes the use of state power to punish and restrict. [281, 315] The prevailing policy discourse fails to engage with this dynamic and is at odds with the needs of those it seeks to assist.

It may be beside the point whether or not a specific criminal law and tighter immigration controls are effective means to combat forced marriage; at least in the viewpoint of (potential) victims. Law and policy are treating marriage as a matter pertaining to public interest and not purely as a private matter. Its impact on society and on the lives of those involved legitimizes this interest, yet little or no regard is given to the health effects of victims of forced marriage and those at risk. As attention is placed on criminalization and stringent immigration policies, ethnic minority population groups bear the greatest burden. The conceptualisation and portrayal of forced marriage as a cultural issue acts as a barrier to appropriate intervention. [34, paper 4] Not only do they suffer reduced accessibility to health providers, the potentially adverse effects of the current policy framework affects their health and well-being at large. The serious consequences for women, including sexual violence, and the physical and psychological health risks associated with it, receive little attention. The research also highlighted that (potential) victims feel they are not able to access mainstream service providers for fear that they will not be understood. Participants from the Moroccan Belgian community consider that they are better off with the help of someone with the same Moroccan background, otherwise they would not implicate an aid organisation or social services.

Among the Moroccan Belgian community, forced and child marriage is no longer an acute problem. This doesn't mean there are no difficulties to overcome. Considerable challenges lie in the "double standards" that apply to men and women in the community. The disempowerment of women as a result, only leads to increased vulnerability and violence in some cases, highlighting the need for tailored support by social services and in health centres.

The migratory context did not appear to perpetuate or give rise to the occurrence of forced marriages and child marriages in a significant way. The results, however, tentatively do point to a

strengthening of the element of religion. It not only surfaces as the most imperative element in partner choice, moreover, its re-educating role as a deterrent for forced marriage is notable. Overall, in light of developments over the past decade, and the increased potential for terrorism, policy choices in Europe have been based on security concerns. Legislation like criminalizing forced marriage has detrimental outcomes for the desired goal of protecting women and children. [281] Prevention of forced marriage cannot be used to limit free movement rights of third-country national family members of EU citizens beyond what is allowed by the Free Movement Directive (2004/38/EC). [19] Approaching forced and child marriage as a human rights issue and a form of gender-based violence avoids stigmatization of ethnic minorities or communities that are linked to this type of practice. Moreover, it paves the way for effective solutions that are not essentially punitive or restrictive.

RECOMMENDATIONS FOR THE MOROCCAN RESEARCH SETTINGS

Policy, prosecution and protection recommendations:

- A holistic approach to violence against women and girls is necessary, recognizing that gender is socially constructed. The legal framework in Morocco fails to acknowledge the underlying fundamental concepts of women's and girls' rights, instead, women and girls are often conflated with their stereotyped gender roles as wives and mothers, particularly with regard to violence. This bias is reflected in the insufficient protection to women and girls who fall outside stereotyped gender roles. Among the recommendations, **the decriminalization of sexual relations outside marriage is emphasized and the minimum marriage age of 18 should be adhered to**, allowing no exceptions.
- Non-implementation of legislation and weak delivery of public sector services continue to adversely affect women's agency in Morocco. **Special services, consisting of a cross-section of professionals such as prosecutors, lawyers, judges, police, health care providers, etc. targeted to women can help overcome limiting social norms and discriminatory laws.** Additionally, it would help reduce the detrimental effects to victims and families, effectively lessening the burden on society in general, especially the health costs and psychological effects on women. Considering the cross-generational consequences of forced and child marriage, this approach would see enhanced outcomes for the children of (potential) victims as well.

Health care provision recommendations:

- There is the risk that attitudes of **health care providers could potentially reflect the embedded socio-cultural norms** that sanction male dominance over women and the acceptability of violence. These attitudes actually reinforce violence against women. Moreover, when women are perceived to be transgressors of social norms, disrespect and abuse of women seeking health care has been documented, especially in reproductive health centers. [132] **Working to improve attitudes of health practitioners is crucial in this respect.**
- In the context of Morocco, **reduced accessibility to health centers and sexual and reproductive services** is a factor to take into consideration. Women and girls' mobility outside the home is restricted. Often permission is needed of the men (father, husband, in-laws) in the household. Geographical distance is also an issue in rural communities (cost of transportation, and women/girls are discouraged to travel alone). Calls are therefore made for **health services (clinics) to be integrated in schools and made available at community level.** [72]

Recommendations for prevention:

- Pressure from older generations was reported to be a significant determinant of child and forced marriage., even in situations where the victim was well aware of her rights. In Moroccan society in general, the desires, character and talents of the individual are often overlooked in favour of what is beneficial for the collective: family and community. Therefore, personal characteristics at the micro-level are overall less impactful. **Working directly on education, and above all fostering self-confidence and agency in girls and women** can, in the long term, increase the impact that micro-level factors will have on preventing a forced marriage. This should go hand in hand with **sensitization efforts geared towards the older – often illiterate – population groups**, using television and radio, is crucial to tackle forced and child marriage. The results redefine the role of women’s associations, social workers and so on, with the recommendation to also focus their efforts on awareness raising among older generations.
- Child and forced marriage are an outcome of social norms and community pressure. Financial poverty certainly adds to the pressure, making the short-term relief in the burden of poverty by marrying off daughters a viable course of action. Yet, only relieving financial pressure through Cash Transfer programs⁶⁰ for example is insufficient to achieve the Sustainable Development Goal (SDG) of ending child and forced marriage by 2030. This is demonstrated by the paradoxical experience in the Marrakech region, where the prevalence of child marriage increased despite high rates of economic growth and decline in poverty in the region. (paper 3) Interventions that fail to address the underlying social norms have limited effects. [79, 316]
In light of these findings, a long-term and holistic view is necessary. **Dimensions such as realized rights (gender equality in norms and laws), health, and access to education should be the focal point to enhance women’s and girls’ agency on all levels** (micro-, meso- and macro-level). **Rather than cost-benefit based approaches that rely on single-focused indicators** [317], a multi-dimensional approach provides the highest likelihood of improving overall health and well-being in the long run.
- In order to successfully address child and forced marriage, programs and interventions are required that are **tailored to the local context**. Efforts to increase school attendance and educational attainment in the Marrakech region should be supported with complementary efforts such as **gender-conscious life-skills** programs and structured engagement with communities. Complementary efforts should also include addressing barriers to adequate higher educational and employment opportunities for girls as well as ensuring their safety and security in public spaces.

⁶⁰ While recognizing that poverty and lack of economic opportunities, as drivers of child and forced marriage, are interrelated with educational attainment, many programs seek to boost school attendance by offering some type of financial incentive in the form of Conditional Cash Transfers (CCTs). Evaluations determined that the gender dimension, and the impact on women’s roles and empowerment in the long term were not always taken into account. A recent evaluation of the earliest Conditional Cash Transfer program targeting child marriage in India found that program beneficiaries were more likely to marry during their 18th year than their peers who had not participated in the program. Households received a savings bond that could be redeemed when their daughter turned 18 provided she had not married by this date. Yet results indicated that parent were postponing their marriage just long enough to receive the cash transfer, which was often even used to cover the wedding expenses. [316, 317]

Recent evaluations of such gender-conscious life-skills programs are demonstrating positive results in reducing child marriage while also laying the foundation for better health, educational, economic and social outcomes. For example, a randomized controlled trial evaluation of the BALIKA program found that the likelihood of child marriage was reduced up to one-third in a relatively short time.⁶¹

Overall, the evaluations show that training approaches should be interactive, participatory and learner-centred. Skill-based learning and critical thinking can be emphasized by using materials that are adapted to the context (and age-group) and by involving mentors. A holistic strategy, using three skills-building approaches proves to be quite effective to empower girls, combining (1) educational support, (2) training on life skills and gender rights to deliver education on sexuality, gender, HIV and human rights, and (3) training on skills for modern livelihood (including literacy, computer skills, etc.).⁶² [319]

Health care providers have a crucial part to play in sharing knowledge, experiences, examples, etc. related to health (sexuality, pregnancy, anti-conception, HIV, etc.) and linking these topics to gender and human rights in an accessible and participatory manner. Safe spaces for small group training with women and girls is essential. **Health centers and clinics provide these settings.** Using ‘mentors’ (women from the community who – possibly – have navigated challenges like the ones program participants are experiencing) to deliver core content, serve as models, and provide practical assistance in emergencies is an important part of such programs. [319] **Health care providers would be ideal in the role of mentor, or as support (supervisors) for mentors and groups as a whole.**

⁶¹ In Bangladesh, Bangladeshi Association for Life Skills, Income, and Knowledge for Adolescents (BALIKA) aimed to delay marriage among girls aged 12 to 18 in areas with the highest child marriage rates. [318]

⁶² This is also reflected in interventions on the topics of sexuality, HIV and STI’s. Evaluations show that programs addressing gender or power were five times as likely to be effective than those that did not: 80% of them were associated with a significantly lower rate of STI’s or unintended pregnancy, whereas only 17% had such an association among programs that did not address gender or power. [320]

RECOMMENDATIONS FOR THE BELGIAN RESEARCH SETTINGS

Health sector policy recommendations:

Health services and programs are an appropriate entry point for addressing interpersonal violence against women and girls, such as forced and child marriage, rather than the emphasis on prosecution and criminalization. [48] **A coordinated multi-sectoral response for (potential) victims of forced marriages within health facilities** in Belgium supports wellbeing, health and safety while simultaneously honouring women's agency. Trained frontline health care workers, situated in local (community) health centres, offer the advantage of being easily accessible and providing anonymous care. Women who experience violence are more likely to use health services than those who do not, although they rarely explicitly disclose violence as the underlying reason. Health care providers are often the first point of professional contact for survivors/victims of violence, and yet the underlying violence is frequently invisible to them. In many cases, health services are currently inadequate due to the invisible nature of the violence itself. Reframing the discourse on forced marriage to one focusing on wellbeing and respecting women's agency, **effectively embedding protection in a broader multi-sectoral policy** is a challenge that policymakers should embrace. Providing training and tools for health care providers, social workers and other frontline workers is paramount.

Those under threat of forced and child marriage, or already in a forced marriage, present to health professionals in many different ways. Some (potential) victims do not mention forced marriage but present with signs or symptoms, which, if recognised, may indicate to the health professional that they are under threat of one. They may have unexplained injuries, be depressed, anxious, self-harming or be involved in substance abuse. Eating disorders, unwanted pregnancy and Female Genital Mutilation are additional warning signs.⁶³ Some individuals attend for a completely different reason and mention in passing that there are 'family problems', and might disclose more with careful questioning. [321, 322]

To prevent this type of violence, it is imperative that health professionals are prepared to use these limited opportunities to openly discuss the issues around child and forced marriage. Health care providers should take a proactive role to establish whether child and forced marriage is an issue, during examination and only when the individual is alone, unaccompanied by partner, family or friends. If they require an interpreter, family members, friends or members of the individual's community should never be used. [322]

⁶³ These signs are not unique to forced marriage or so called 'honour based violence', but a wider problem relating to other forms of domestic violence and the control, mainly, of women. Health care practitioners should be aware that, as with all forms of domestic violence, which they must routinely ask about, forced marriage and so called 'honour based violence' should be accounted for when asking routine questions about a patient's background and home life. Examples of appropriate questions include: '*How are things at home?*' and '*Are you worried about anything or anyone?*' [321]

Protocols, roadmaps and tools, such as Standard Operating Procedures (SOPs), have been developed to effectively implement the multi-sectoral response.⁶⁴ [16, 322, 323] Involving multiple sectors in a coordinated way leads to increased levels of safety and support for (potential) victims of forced marriage through an effective, immediate and consistent services network. Moreover, it brings durable and sustainable changes, and helps to create an institutional and community culture that the practice is not acceptable or tolerable. [323] Guidelines with regards to confidentiality and information-sharing are a crucial part of any response. General principles on disclosure of information by health professionals (both for minors and adults) need to be specified for each country.⁶⁵

The success of the multi-sectoral response to forced and child marriage, and gender-based violence in general, is a long-term effort and service providers may evaluate this success from different perspectives. What is important is that each step in helping the victim/survivor to end the violence and cope with trauma is a success in itself. [323] More research, however, is necessary to study the effectiveness of the multi-sectoral response to forced and child marriage, and the instruments (protocols, SOPs) that are advocated as part of the service provision.

⁶⁴ For example: Sengoelge et al. 2015 [322] developed a roadmap which includes a 7-step referral pathway for all frontline professionals, and then provides specific guidance for health professionals, school/educational providers, child protection services, criminal justice (police and justice) professionals and magistrates of civil marriage services.

⁶⁵ The UK has developed multi-agency guidelines to respond to victims and those at risk of forced and child marriage. [16] These detailed instructions also outline the requirements of health professionals (and others) with regards to confidentiality and information-sharing, including public interest concerns. See pages 24-31 for the Health Professionals Guidelines:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

RECOMMENDATIONS FOR THE MOROCCAN AND BELGIAN RESEARCH SETTINGS

Recommendations for interventions:

- Seeing that child and forced marriage is deeply rooted within patriarchal societies, the **requirement to include working with men and boys is paramount**. Due to the slow progress on gendered equality, involving men is an effective way for scaling down gender inequalities. What's more, excluding men in programs and interventions offers them little chance to challenge the stereotypes ascribed to them. [313] The rationale for including men is that women on occasion become disempowered by 'empowerment initiatives and projects' because men sometimes oppose women's empowerment and become violent towards women. [324] This is reflected in the doctoral research in what the participants refer to as "the need for the father's authority to remain intact". (papers 3 and 4) Participants in the research recognized the importance of not disempowering men: to include them in their daughter's upbringing, education, and to keep the lines of communication open and not completely cutting off the father – resulting in disempowerment – but acknowledging that as a parent, he does have some authority or that he is *part of* the decision-making process, that he is involved in his daughter's life by respecting her choices and listening. Recent research on child marriage in Sub-Saharan Africa demonstrates this as well (although referring more generally to 'parents'): "*improving communication between parents and adolescent daughters could go far in ensuring that girls feel valued and that parents feel heard as they make decisions together regarding the lives and opportunities of these adolescent girls.*" [325]

Overall, our research demonstrates the need to engage fathers, fathers-in-law, brothers, etc. Most programs do not meaningfully address men and boys within households to share obligations and household responsibilities set forth in programmatic interventions. [326, 327] Therefore gender relations within families are not configured, which undermines the success of these interventions in the long run.

Addressing the engrained 'double standards' for men and women in the Moroccan Belgian community would also benefit from directing efforts towards men and boys to level the gender inequality.

- **Engage community and religious leaders:** A profound shift is paramount where religious and traditional arguments are deeply embedded in the social fabric of the community. Families and parents often look to cultural and religious norms to justify child and forced marriage. In the case of Morocco, religious leaders can be effective advocates in ending child marriage and forced marriage by endorsing to increase the marriage age on the one hand, and by specifying that coercion to marry is not condoned by the Islam. Research in Belgium indicates that religion is already playing a re-educational role among the Moroccan Belgian community with regards to forced and child marriage. (paper 4)

Recommendations for future research:

- Research into the persistency of the underlying social norms in Morocco is necessary to understand the structural and cultural barriers to gender equality in more depth. Progress in development outcomes such as the Gender Inequality Index has been slower than in other countries in the region or in similar lower middle-income countries.⁶⁶ These gender gaps persist, especially in terms of access to education and healthcare. [170] In recent years, global studies are indicating that programs with a combined focus on gender-rights, education and vocational training (livelihood skills training) display significant effects on marriage age, effectively addressing social norms related to forced and child marriage. [328, 329] Additional research would be valuable to ascertain how (and if) such programs could be successfully implemented in Morocco.
- Further research is necessary to ascertain the impact of migration on other minority population groups in Belgium considering that studies are indicating that the practice of forced and child marriage is reasserted in the European migratory context. [32, 160, 283] The diaspora experience, spurred on by the restrictive migration policies, would act as a catalyst for forced marriage among certain ethnic minorities. [290, 291] Given the distinct 'hidden' nature of the violence, data collection is crucial to get an idea of the scope of the problem and the implicated communities, which - in turn - is paramount to inform and evaluate policy-making.

⁶⁶ Gender Inequality Index is a composite measure reflecting inequality in achievement between women and men in three dimensions: reproductive health, empowerment and the labour market. In 2017, the Gender Inequality Index is 0,482 for Morocco, ranking 119th (123rd on the Human Development Index), compared to 0,442 for Algeria (85th on the Human Development Index) and 0,298 for Tunisia (95th on Human Development Index). [174]

REFERENCES

1. Starrs A.M., Ezeh, A.C., Barker, G., Basu, A., Bertrand, J.T., Blum, R., Coll-Seck, A.M., Grover, A., Laski, L., Roa, M., Sathar, Z.A., Say, L., Serour, G.I., Singh, S., Stenberg, K., Temmerman, M., Biddlecom, A., Popinchalk, A., Summers, C., Ashford, L.S. (2018). Accelerate progress – sexual and reproductive health and rights for all: report of the Guttmacher–Lancet Commission. *Lancet*, 391: 2642-2692.
2. General Assembly Resolution 48/104 (1993). *Declaration on the Elimination of Violence Against Women*. New York: United Nations.
3. Hartmann, M., Khosla, R., Krishnan, S., George, A., Gruskin, S., & Amin, A. (2016). How Are Gender Equality and Human Rights Interventions Included in Sexual and Reproductive Health Programmes and Policies: A Systematic Review of Existing Research Foci and Gaps. *PLoS ONE*, 11(12): e0167542.
4. United Nations Statistics Division, UN Women (2016). Millennium Development Goals. Gender Chart 2015.
5. World Health Organisation (2005). *Addressing Violence Against Women and Achieving the Millennium Development Goals*. Geneva, Switzerland: World Health Organisation. WHO/FCH/GWH/05.1.
6. Yamin, A.E. & Boulanger, V.M. (2013). Embedding sexual and reproductive health and rights in a transformational development framework: lessons learned from the MDG targets and indicators, *Reproductive Health Matters*, 21:42, 74-85, DOI: 10.1016/S0968-8080(13)42727-1
7. Mishra, S.K. (2016). Sexual and Reproductive Health and Rights and Post-2015 Agenda: An Investigation into Development Scenario. *Women Health Int.* 2(1): 114.
8. UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage (2017). *Progress Report 2016*. New York. <https://www.unicef.org/protection/files/ChildMarriage-Global-DonorReport-v7.pdf>
9. UNFPA. *Resources on Child Marriage*. Updated May 2018. <https://www.unfpa.org/child-marriage-frequently-asked-questions>
10. Thomas, Ch., Park, R., Ellingen, M., Ellison, M, Menanteau, B. & Young, L. (2013). *Developing Legislation on Violence Against Women and Girls*. UNIFEM Virtual Knowledge Centre to End Violence Against Women and Girls.
11. Rude-Antoine, E. (2005). *Forced Marriages in Council of Europe Member States: a Comparative Study of Legislation and Political Initiatives*. Strasbourg: Council of Europe.
12. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General of 2 April 2014, ‘Preventing and eliminating child, early and forced marriage’, Office of the United Nations High Commissioner for Human Rights, A/HRC/26/22.
13. Turner, C. (2013). *Out of shadows: child marriage and slavery*. Anti-Slavery International, London
14. UN General Assembly’s Twentieth Session, Resolution 2018 (XX) on consent to marriage, minimum age for marriage and registration of marriages. (Principle 1-b of Resolution 20180, 1 November 1965.
15. Psaila, E., Leigh, V., Verbari, M., Fiorentini, S., Dalla Pozza, V., & A. Gomez (2016). *Forced Marriage from a Gender Perspective*, Directorate General for Internal Policies, Department C: Citizens’ Rights and Constitutional Affairs, European Parliament, September 2016 (PE 556.926)
16. FCO (2014). The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage. London: Foreign and Commonwealth Office. <http://www.fco.gov.uk/resources/en/pdf/travel-living-abroad/when-things-go-wrong/fmu-right-to-choose.pdf>.

17. Cornelissens, A., Kuppens, J., & Ferwerda, H. (2009). *Huwelijksdwang. Een verbintenis voor het leven?* Den Haag: Ministerie van Justitie.
18. De Brabander, A. (2012). *De strafrechtelijke en criminologische dimensie van het gedwongen huwelijk*. Masterproef Rechten Universiteit Gent, 2011–2012.
19. European Union Agency for Fundamental Rights (FRA) (2014). *Addressing forced marriage in the EU: legal provisions and promising practices*. Luxembourg: Publications of the European Union
20. Council of Europe Parliamentary Assembly. Explanatory memorandum. Section II. A.1.b.16-17, 2005
21. Committee on the Rights of the Child, General Comment No. 4, 2003, CRC/GC/2003/4, para. 20; UN Committee on the Elimination of Discrimination against Women General Recommendation No. 21 (13th session, 1994).
22. Gangoli, G., & McCarry, M. (2009). Child marriage or forced marriage? South Asian communities in north east England. *Child Soc*, 23:418–429.
23. Bunting, A. (2005). Stages of development: marriage of girls and teens as an International Human Rights issue. *Soc Leg Stud*, 14(1):17–38.
24. Wodon, Q. (2015). Child Marriage, Family Law, and Religion: An Introduction to the Fall 2015 Issue. *The Review of Faith & International Affairs*, 13:3, 1-5.
25. Girls not Brides. The case for a minimum age of marriage of 18. December 2017. <https://www.girlsnotbrides.org/wp-content/uploads/2017/12/Why-a-minimum-age-of-marriage-of-18.pdf>
26. Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, para. 20. 2014. <http://undocs.org/CEDAW/C/GC/31/CRC/C/GC/18>
27. Wodon, Q., Tavares, P., Fiala, O., Le Nestour, A., & Wise, L. (2017). *Ending Child Marriage: Legal Age for Marriage, Illegal Child Marriages, and the Need for Interventions*. London and Washington, DC: Save the Children and The World Bank.
28. General comment No. 20 (2016) of the Committee on the Rights of the Child on the implementation of the rights of the child during adolescence, para. 40. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/20&Lang=en
29. Bokhari, F. (2009). *Stolen Futures: Trafficking for Forced Child Marriage in the UK*. ECPAT UK and Wilberforce Institute for the Study of Slavery and Emancipation (WISE), University of Hull.
30. Council of Europe. Parliamentary Assembly 2005. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17380>
31. Gangoli, G., & Chantler, K. (2009). Protecting victims of forced marriage: is age a protective factor? *Feminist Legal Studies*, 17, 267–288.
32. Phillips, A., & Dustin, M. (2004). UK initiatives on forced marriage: regulation, dialogue and exit. *Political Studies*, 52(3), 531–551.
33. Anitha, S., & Gill, A. (2009). Coercion, consent and the forced marriage debate in the UK. *Feminist Legal Studies*, 17(2), 165–184.
34. Chantler, K. (2012). Recognition of and intervention in forced marriage as a form of violence and abuse. *Trauma, Violence & Abuse*, 13(3), 176–183.
35. Leye, E., & Sabbe, A. (2015). *Forced Marriage in Belgium: An analysis of the current situation*. Ghent: ICRH Global, Ghent University.
36. Qureshi, K., Charsley, K. A. H., & Shaw, A. (2014). Marital instability among British Pakistanis: transnationality, conjugalities and Islam. *Ethnic and Racial Studies*, 37(2), 261–279.
37. Europol Early Warning Notification (2014). *Marriages of convenience: A link between facilitation of illegal immigration and Trafficking in Human Beings (THB)*, March 2014.
38. Hossain, S. (2011). Wayward girls and well-wisher parents: habeas corpus, women's rights to personal liberty, consent to marriage and the Bangladeshi courts. In A. Gill & S.

- Anitha (Eds.), *Forced marriage. Introducing a social justice and human rights perspective* (pp. 221–240). London: ZedBooks.
39. UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, ISBN No. 92-9227-227-6.
 40. UN General Assembly (2014). *Promotion and protection of the rights of children*. 69th Session, Third Committee, Agenda item 64 (a), New York: United Nations. (A/C.3/69/L.23/Rev.1)
 41. UN Human Rights Council (2015). *Resolution on Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage*. 29th Session, Agenda item 3, New York: United Nations. (A/HRC/29/L.15)
 42. UN General Assembly (2016). *Resolution on Child, Early and Forced Marriage*. 71st Session, Agenda item 64 (a). New York: United Nations. (A/RES/71/175)
 43. Girls Not Brides (2017). *UN General Assembly adopts 2nd Resolution on Child, Early and Forced Marriage – December 2016*. February 2017. <http://www.girlsnotbrides.org/un-general-assembly-adopts-2nd-resolution-child-early-forced-marriage/>
 44. Girls Not Brides (2017). *Human Rights Council adopts 2017 Resolution to end Child Marriage in Humanitarian Settings*. June 2017. (<http://www.girlsnotbrides.org/human-rights-council-adopts-2017-resolution-end-child-marriage-humanitarian-settings/>)
 45. Ruiz-Pérez, I., Plazaola-Castaño, J., & Vives-Cases, C. (2007). Methodological issues in the study of violence against women. *Journal Epidemiol Community Health*, 61(Suppl II), ii26–ii31. p.ii26.
 46. Kelmendi, K. (2013). Violence against Women: Methodological and Ethical Issues. *Psychology*, 4, 559-565.
 47. Gangoli, G., Chantler, K., Hester, M., & Singleton, A. (2011). Understanding forced marriage: definitions and realities. In A. Gill & S. Anitha (Eds.), *Forced marriage. Introducing a social justice and human rights perspective* (pp. 25–45). London: Zed Books.
 48. World Health Assembly (2014). *Resolution WHA67.15 on Strengthening the role of the health system in addressing violence, in particular against women and girls, and against children*. WHA: Geneva. (document WHA67/2014/REC/1)
 49. WHO (2016). *Global plan of action to strengthen the role of the health system within a national multisectoral response to address interpersonal violence, in particular against women and girls, and against children*. WHO: Geneva; 2016.
 50. Council of Europe (2011). *Council of Europe Convention on preventing and combating violence against women and domestic violence*, 11 May 2011, CETS No. 210. ('Istanbul Convention')
 51. UN Human Rights Council (2016). *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, 5 January 2016, A/HRC/31/57.
 52. Samad, Y. (2010). Forced marriage among men: An unrecognized problem. *Critical Social Policy*, 30(2), 189–207.
 53. Gill, A. K., & Harvey, H. (2017). Examining the Impact of Gender on Young People's Views of Forced Marriage in Britain. *Feminist Criminology*, 12(1), 72–100.
 54. Khanum, N. (2008) *Forced Marriage, family cohesion and community engagement: National learning through a case study of Luton*. Equality in Diversity.
 55. Bensaïd, N. & Rea, A. (2012). *Study on forced marriage in the Brussels- Capital Region*. Brussels: ULB.
 56. Samad Y., & Eade, J. (2002). *Community Perceptions of Forced Marriage*. London: Foreign and Commonwealth Office.
 57. UNFPA (2012). *Marrying Too Young: End Child Marriage*. New York: UNFPA.
 58. Nguyen, M. C., & Wodon, Q. (2015). Global and Regional Trends in Child Marriage. *Review of Faith and International Affairs* 13(3): 6-11.
 59. UNICEF (2014). *Ending Child Marriage: Progress and prospects*. New York: UNICEF.
 60. UNICEF Global Databases (2018). *Child Marriage: Current status and progress*. New York: UNICEF.

61. World Bank (2017). *Educating Girls., Ending Child Marriage*. Washington D.C.: World Bank.
<http://www.worldbank.org/en/news/immersive-story/2017/08/22/educating-girls-ending-child-marriage>
62. WHO (2014). *UN passes historic resolution on ending child marriage*. Geneva: WHO.
http://www.who.int/pmnch/media/events/2014/child_marriage/en/
63. Girls not Brides (2017) *Child marriage around the world*.
(<https://www.girlsnotbrides.org/where-does-it-happen/>)
64. Raj A & Boehmer, U. (2013). Girl child marriage and its association with national rates of HIV, maternal health and infant mortality across 97 countries. *Violence Against Women*, 19(4): 536–51.
65. Rumble, L., Peterman, A., Irdiana, N., Triyana, M., & Minnick, E. (2018). An empirical exploration of female child marriage determinants in Indonesia. *BMC Public Health*, 18, 407.
66. Kazimirski, A., Keogh, P., Kumari, V., Smith, R., Gowland, S., Purdon, S., & Khanum, N. (2009). *Forced marriage. Prevalence and service response*. London: National Centre for Social Research.
67. Hotchkiss, D.R., Godha, D., Gage A.J. & Cappa, C. (2016). Risk factors associated with the practice of child marriage among Roma girls in Serbia. *BMC International Health and Human Rights*, 16:6.
68. Forced Marriage Unit (FMU). *Statistics on Forced Marriage*. UK: Home Office and Foreign & Commonwealth Office. (<https://www.gov.uk/guidance/forced-marriage#statistics-on-forced-marriage-collected-by-fmu>)
69. Forced Marriage Unit (FMU). *Forced Marriage Statistics 2016*. UK: Home Office and Foreign & Commonwealth Office. March 2017.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/597869/Forced_Marriage_Unit_statistics_-_2016.pdf
70. Mirbach, T., Schaak, T. & Triebel, K. (2011). *Zwangsverheiratung in Deutschland - Anzahl und Analyse von Beratungsfällen*. Hamburg: Bundesministerium für Familie, Senioren, Frauen und Jugend.
71. Smits van Waesberghe, E., Sportel, I., Drost, L., Van Eijk, E., & Diepenbrock, E. (2014). *Zo zijn we niet getrouwd. Een onderzoek naar omvang en aard van huwelijksdwang, achterlating en huwelijksgevangenschap*. Utrecht: Verwey-Jonker Instituut.
72. UNICEF (2017). *Child Marriage in the Middle East and North Africa*. United Nations Children's Fund (UNICEF) Middle East and North Africa Regional Office in collaboration with the International Center for Research on Women (ICRW).
73. Bordat, S.W., & Kouzzi, S. (2009). *Legal Empowerment of Unwed Mothers: Experiences of Moroccan NGO's*. Rome: Legal Empowerment Working Papers International Development Law Program.
74. Morgan, J. (2016). *Family honour and shattered dreams: Girl brides in Mali, Niger and Senegal*. Dakar: Plan WARO.
75. UNICEF (2005). *Early Marriage: A Harmful Traditional Practice. A Statistical Exploration*. New York: UNICEF.
76. Santhya, K.G., Haberland, N., & Singh, A.J. (2006). '*She Knew Only When the Garland was Put Around her Neck*': Findings from an Exploratory Study on Early Marriage in Rajasthan. New Delhi: Population Council.
77. Jain, S., & K. Kurz (2007) *New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs*. Washington, DC: ICRW.
78. Malhotra, A., Warner, A. McGonagle, A., & Lee-Rife, S. (2011). *Solutions to End Child Marriage What the Evidence Shows*. Washington, DC: International Center for Research on Women.
79. Klugman, J., L. Hanmer, S. Twigg, T. Hasan, J. McCleary-Sills, & Santa Maria, J. (2014). *Voice & Agency: Empowering Women and Girls for Shared Prosperity*. Washington, DC: World Bank.

80. Parsons, J., Edmeades, J., Kes, A., Petroni, S., Sexton, M., & Wodon, Q. (2015). Economic Impacts of Child Marriage: A Review of the Literature. *Review of Faith and International Affairs*, 13(3): 12-22.
81. Wodon, Q. (2015). Child Marriage, Family Law, and Religion: Introduction to the Fall 2015 Issue. *Review of Faith & International Affairs*, 13(3): 1-5.
82. Wodon, Q. (2017). *Estimating the Economic Impacts and Costs of Child Marriage Globally: Methodology and Estimates*. Education Global Practice. Washington, DC: The World Bank.
83. Wodon, Q., Male, C., Nayihouba, A., Onagoruwa, A., Savadogo, A., Yedan, A., Edmeades, J., Kes, A., John, N., Murithi, L., Steinhaus, M. & Petroni, S. (2017). *Economic Impacts of Child Marriage: Global Synthesis Report*. Washington, DC: The World Bank and International Center for Research on Women.
84. International Center for Research on Women (2007) *New Insight on Preventing Child marriage: A Global Analysis of Factors and Programs*. Washington, DC: ICRW.
85. Human Rights Watch (2016). *Our Time to Sing and Play: Child Marriage in Nepal*. New York: Human Rights Watch.
86. Murithi, L., Santillán, D., Dhillon, P., Sebany, M., Farley, K., Ndhlema, T., Chintu, N., & Jackson, A. (2016). *Understanding Couple Communication and Family Planning in Zambia*. Washington, DC: International Center for Research on Women and PSI.
87. Robbers, G. (2008). *Forced Marriage and Honour Killings*. PE 408.334, European Parliament's Committee on Civil Liberties, Justice and Home Affairs: Strasbourg.
88. WHO Constitution: Principles.
<http://www.who.int/about/mission/en/>
89. WHO (2011) *Violence against women*. Geneva: World Health Organization, Factsheet nr. 239. (<http://www.who.int/mediacentre/factsheets/fs239/en/>)
90. Koenig, M. A., Zablotska, I., Lutalo, T., Nalugoda, F., Wagman, J., & Gray, R. (2004). Coerced first intercourse and reproductive health among adolescent women in Rakai, Uganda. *International Family Planning Perspectives*, 30(4): 156–163.
91. Raj, A., Saggurti, N., Lawrence, D., Balaiah, D., & Silverman, J. G. (2010). Association between adolescent marriage and marital violence among young adult women in India. *International Journal of Gynaecology and Obstetrics*, 110(1), 35–39.
92. Santhya, K.G., Ram, U., Acharva, R., Jejeebhoy, S.J., Ram, F., & Singh, A. (2010). Associations between early marriage and young women's marital and reproductive health outcomes: Evidence from India. *International Perspectives on Sexual and Reproductive Health*, 36(3): 132-139.
93. Kidman, R. (2017). Child marriage and intimate partner violence: a comparative study of 34 countries. *International Journal of Epidemiology*, 46(2): 662-675.
94. Khawaja, M., & Hammoury, N. (2008). Coerced sexual intercourse within marriage: a clinic-based study of pregnant Palestinian refugees in Lebanon. *Journal of Midwifery & Women's Health*, 53(2): 150–154.
95. Nour, N. (2009). Child marriage: a silent health and human rights issue. *Review in Obstetrics & Gynecology*, 2(1): 51–56.
96. Hampton, T. (2010). Child marriage threatens Girls' health. *Journal of the American Medical Association*, 304(5): 509–510.
97. UNFPA. *Child Marriage Overview*. Updated May 2018.
<https://www.unfpa.org/child-marriage>
98. Efevbera, Y., Bhabha, J., Farmer, P.E., & Fink, G. (2017). Girl child marriage as a risk factor for early childhood development and stunting. *Social Science & Medicine*, 185: 91-101.
99. de Groot, R., Kuunyem, M.Y., & Palermo, T. (2018). Child marriage and associated outcomes in northern Ghana: a cross-sectional study. *BMC Public Health*, 18: 285.
100. Raj, A., Saggurti, N., Winter, M., Labonte, A., Decker, M.R., Balaiah, D., & Silverman, J.G. (2010). The effect of maternal child marriage on morbidity and mortality of children under 5 in India: Cross sectional study of a nationally representative sample. *BMJ (Clinical Research Ed.)*, 340: b4258.

101. Nasrullah, M., Zakar, R., Zakar, M.Z., & Krämer, A. (2014). Girl-child marriage and its association with morbidity and mortality of children under 5 years of age in a nationally-representative sample of Pakistan. *Journal of Pediatrics*, 164(3): 639-646.
102. Auvert, B., Buvé, A., Ferry, B., Caraël, M., Morison, L., Lagarde, E., et al. (2001). Ecological and individual level analysis of risk factors for HIV infection in four urban populations in sub-Saharan Africa with different levels of HIV infection. *AIDS*, 15(Supplement 4): S15–S30.
103. Clark, S. (2004). Early marriage and HIV risk in Sub-Saharan Africa. *Studies in Family Planning*, 35(3): 149–160.
104. Clark, S., Bruce, J., & Dude, A. (2006). Protecting young women from HIV/AIDS: the case against child and adolescent marriage. *International Family Planning Perspectives*, 32(2): 79–88.
105. African Union Commission (2016). *Ending Child Marriage and Stopping the Spread of HIV. Opportunities and Challenges for Action*. Addis Ababa: African Union. <http://www.girlsnotbrides.org/wp-content/uploads/2017/01/Desk-Review-Ending-CM-and-Stopping-the-Spread-of-HIV.pdf>
106. UNICEF (2015). *State of the World's Children 2015: Reimagine the Future – Innovation for Every Child*. New York: UNICEF.
107. Girls not Brides (2017). *Child marriage and HIV: an information sheet*. Updated February 2017. (https://www.girlsnotbrides.org/wp-content/uploads/2016/07/Child-Marriage-HIV-brief_Final.pdf)
108. Drif, L., & Bedu, A. (2005). *Réflexion sur la problématique des mariages forcés*. Paris: Mouvement Français pour le Planning Familial. (http://doubleviolen.free.fr/spip/IMG/pdf/mariage_foce_MFPF.pdf.)
109. Husain, M. I., Waheed, W., & Husain, N. (2006). Self-harm in British South Asian women: psychosocial correlates and strategies for prevention. *Annals of General Psychiatry*, 5(7).
110. Rauf, B., Saleem, N., Clawson, R., Sanghera, M., & Marston, G. (2013). Forced marriage: implications for mental health and intellectual disability services. *Advances in Psychiatric Treatment*, 19: 135-143.
111. Choudhry, S. (2011). Forced marriage: the European Convention on Human Rights and the Human Rights Act 1998. In A. Gill & S. Anitha (Eds.), *Forced marriage. Introducing a social justice and human rights perspective* (pp. 67–89). London: Zed Books.
112. Singh, M.K. (2011). *Forced Marriage and Mental Health*. Better Health Briefing Paper 24. Race Equality Foundation: London, UK. (https://www.merseycare.nhs.uk/media/1753/forced_marriage_and_mental_health.pdf)
113. Plan Finland & Åbo Akademi University (2011). *Stealing Innocence: Child Marriage and Gender Inequality in Pakistan*. Helsinki: Plan Finland.
114. Le Strat, Y., Dubertret, C., & Le Foll, B. (2011). Child Marriage in the United States and its association with Mental Health in Women. *Pediatrics*, 128(3): 524-530.
115. Gage, A.J. (2013). Association of Child Marriage with Suicidal Thoughts and Attempts Among Adolescent Girls in Ethiopia. *Journal of Adolescent Health*, 52(5): 654-656.
116. Anda, R.F., Felitti, J., Bremner, J.D., et al. (2006). The enduring effects of abuse and related adverse experiences in childhood. *Eur Arch Psychiatry Clin Neurosci*, 256: 174–86.
117. Woollet, N. & Thomson, K. (2016). Understanding the intergenerational transmission of violence. *S. Afr Med J*, 106(11): 1068-1070.
118. McFarlane, J., Symes, L., Binder, B.K., Maddoux, J., & Paulson, R. (2014.) Maternal-child dyads of functioning: the intergenerational impact of violence against women on children. *Matern Child Health J.*, 18(9): 2236-2243.
119. Chari, A.V., Heath, R., Maertens, A., & Fatima, F. (2017). The causal effect of maternal age at marriage on child wellbeing: Evidence from India. *Journal of Development Economics*, 127: 42–55.
120. Wodon, Q. (2016). Early Childhood Development in the Context of the Family: The Case of Child Marriage. *Journal of Human Development and Capabilities*, 17(4): 590-598.

121. Garcia-Moreno, C., & Watts, C. (2011). Violence against women: an urgent public health priority. *Bulletin of the World Health Organisation*, 89(2): 1–2.
122. Alizadeh, V., Hylander, L., Kocturk, T., & Törnkvist, L. (2010). Counselling young immigrant women worried about problems related to the protection of ‘family honour’ - from the perspective of midwives and counsellors at youth health clinics. *Scandinavian Journal of Caring Sciences*, 24(1): 32-40.
123. Ellsberg, M., Arango, D.J., Morton, M., Gennari, F., Kiplesund, S., Contreras, M., & Watts, C. (2015). Prevention of violence against women and girls: what does the evidence say? *Lancet*, 285: 1555-1566.
124. Michau, L., Horn, J., Bank, A., Dutt, M., & Zimmerman, C. (2015). Prevention of violence against women and girls: lessons from practice. *Lancet*, 385: 1672-1684.
125. WHO (2016). *Targets and indicators for Health 2020*. WHO Regional Office for Europe: Copenhagen.
126. Vik, M.H., & Carlquist, E. (2018). Measuring subjective well-being for policy purposes: The example of well-being indicators in the WHO “Health 2020” framework. *Scandinavian Journal of Public Health*, 46(2), 279–286.
127. WHO (2013). *Health 2020: A European Policy Framework and Strategy for the 21st Century*. WHO Regional Office for Europe: Copenhagen.
<http://www.euro.who.int/en/publications/abstracts/health-2020.-a-european-policy-framework-and-strategy-for-the-21st-century-2013>
128. Samarasekera, U., & Horton, R. (2014). Prevention of violence against women and girls: a new chapter. *Lancet*, 385(9977): 1480-1482.
129. Garcia-Moreno, C., Zimmerman, C., Morris-Gehring, A., Heise, L., Amin, A., Abrahams, N., Montoya, O., Bhat-Deosthali, P., Kilonzo, N., & Watts, C. (2015). Addressing violence against women: a call to action. *Lancet*, 385(9978): 1685-1695.
130. WHO, London School of Hygiene and Tropical Medicine (2010). *Preventing intimate partner and sexual violence against women: taking action and generating evidence*. Geneva: World Health Organization.
<http://www.who.int/reproductivehealth/publications/violence/9789241564007/en/index.html>
131. UNFPA & East European Institute for Reproductive Health (2015). *Health care services provision, part of multi-sectoral response to GBV. Standard Operating Procedures*. UNFPA Regional Office for Eastern Europe and Central Asia (UNFPA EECARO).
132. Garcia-Moreno, C., Hegarty, K., d’Oliveira, A.F.L., Koziol-McLain, J., Colombini, M., & Feder, G. (2015). The health-systems response to violence against women. *Lancet*, 385: 1567-1579.
133. World Health Organization (2013). *Responding to intimate partner violence and sexual violence against women: WHO clinical and policy guidelines*. Geneva: World Health Organization.
134. Sweeney, A.C., Perôt, C., Callard, F., Adenden, V., Mantovani, N., & Goldsmith, L. (2019) Out of the silence: towards grassroots and trauma-informed support for people who have experienced sexual violence and abuse. *Epidemiology and Psychiatric Sciences*, 1-5.
135. Asadullah, M.N., Alim, A., Khatoon, F., & Chaudhur, N. (2016). *Maternal Early Marriage and Cognitive Skills Development: An Intergenerational Analysis*. Helsinki, Finland: The World Bank.
136. Delprato, M., Akyeampong, K., & Dunne, M. (2017). Intergenerational Education Effects of Early Marriage in Sub-Saharan Africa. *World Development*, 91(C): 173-192.
137. Sekhri, S., & Debnath, S. (2014). Intergenerational consequences of early age marriages of girls: Effect on children's human capital. *Journal of Development Studies*, 50(12), 1670–1686.
138. Wodon, Q., & Yedan, A. (2017). *Impact of Educational Attainment on Child Marriage and Early Childbirths: Estimates for 15 Countries*. Education Global Practice. Washington, DC: The World Bank.
139. Kalamar A.M., Lee-Rife, S., & Hindin, M.J. (2016). Interventions to Prevent Child Marriage Among Young People in Low- and Middle-Income Countries: A Systematic

- Review of the Published and Gray Literature. *Journal of Adolescent Health*, 59(3): S16-S21.
140. Marpathia, A.A., Ambale, G.S., & Reid, A.M. (2017). Women's marriage age matters for public health: a review of the broader health and social implications in South Asia. *Front. Public Health*, 5: 269.
 141. Krug, E.G., Mercy, J.A., Dahlberg, L.L., & Zwi, A.B. (2002). The world report on violence and health. *Lancet* 360(9339): 1083–1088.
 142. Day, T., McKenna, K., & Bowlus, A. (2005). *The Economic Costs of Violence Against Women: An Evaluation of the Literature*. Expert brief compiled in preparation for the Secretary-General's in-depth study on all forms of violence against women. New York: United Nations. (<http://www.un.org/womenwatch/daw/vaw/expert%20brief%20costs.pdf>.)
 143. Save the Children (2013). *Unspeakable crimes against children: Sexual violence in conflict*. London.
 144. Lemmon, G.T. & El Harake, L.S. (2014). *Child Brides, Global Consequences: How to end child marriage*. Council on Foreign Relations: New York.
 145. Wijeysekera, R. (2011). *Assessing the validity of child marriages contracted during the war*. University of Colombo: Sri Lanka.
 146. Women's Refugee Commission (2016). *A girl no more: The changing norms of child marriage in conflict*. New York.
 147. Lemmon, G.T. (2014). *Fragile States, Fragile Lives: Child Marriage Amid Disaster and Conflict*. Council on Foreign Relations: New York.
 148. Neumayer, E., & Plumper, Th. (2007). The Gendered Nature of Natural Disasters: The Impact of Catastrophic Events on the Gender Gap in Life Expectancy, 1981–2002. *Annals of the Association of American Geographers*, 97(3): 551–566.
 149. Spencer, D. (2015). *Child marriage in emergencies – the fatal confusion between protecting girls and sexual violence*, Care International UK.
 150. UNICEF (2014). *A study on early marriage in Jordan*. New York: UNICEF. (https://www.unicef.org/media/files/UNICEFJordan_EarlyMarriageStudy2014-email.pdf)
 151. Ratia, E., & Walter, A. (2009). *International exploration on forced marriages. A literature study on legal measures, policy and public debates in Belgium, France, Germany, United Kingdom and Switzerland*. Nijmegen: Wolf Legal Publishers.
 152. Felz, M., Said, I., & Triebel, K. (2009). *Active against forced marriage*. Hamburg: Ministry for Social and Family Affairs, Health and Consumer Protection.
 153. UN Commission on the Status of Women (2007). *Forced marriage of the girl child: Report of the Secretary-General*. Fifty-second session, Economic and Social Council, New York: United Nations. (E/CN.6/2008/4) <http://www.unhcr.org/refworld/docid/478494062.html>.
 154. European Institute for Gender Equality (EIGE). *Gender Equality Glossary*. Resource and Documentation Centre. (<https://eige.europa.eu/rdc/thesaurus/terms/1284>)
 155. Otoo-Oyortey N., & Pobi, S. (2003). *Early Marriage and Poverty. Exploring Links for Policy and Programme Development*. London: Forum on Marriage and the Rights of Women and Girls.
 156. UN Human Rights Council (2007). *Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children*. Fourth session, New York: United Nations. (A/HRC/4/23)
 157. Chantler, K., Gangoli, G., & Hester, M. (2009). Forced Marriage in the UK: Religious, Cultural, Economic or State Violence? *Critical Social Policy*, 29: 587-612.
 158. Forced Marriage Unit (FMU). *Forced Marriage Statistics 2017*. UK: Home Office and Foreign & Commonwealth Office. March 2018. (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730155/2017_FMU_statistics_FINAL.pdf)
 159. Zemni S., Casier, M., & Peene, N. (2006). *Studie naar de factoren die de vrijheid van keuze van een echtgenoot beperken, bij bevolkingsgroepen van vreemde oorsprong in België*. Ghent/Brussels: Universiteit Gent/Centrum voor gelijkheid van kansen en voor racismebestrijding.

160. Kool, R. (2012). Step forward, or forever hold your peace: penalising forced marriages in the Netherlands. *Netherlands Quarterly of Human Rights*, 30(4): 388–413.
161. Forced Marriage Unit (FMU) figures and statistics (average for the years 2014, 2015, 2016, 2017). (<https://www.gov.uk/guidance/forced-marriage>)
162. Phillips, R. (2012). Interventions against forced marriage: Contesting hegemonic narratives and minority practices in Europe. *Gender, Place & Culture: A Journal of Feminist Geography*, 40(1): 21-41.
163. Ben-David, E. (2009). Europe's shifting immigration dynamic. *Middle East Quarterly*, 16(2): 15-24.
164. European Migration Network (EMN) (2017). *Synthesis report for the EMN focused study 2016 - family reunification of third-country nationals in the EU plus Norway: National Practices*. European Commission: Migrapol EMN [doc 382].
165. Organisation for Economic Co-operation and Development (2017). *A portrait of family migration in OECD countries*. OECD: Paris, France. <https://www.oecd.org/els/mig/IMO-2017-chap3.pdf>
166. World Bank data. *Morocco*. 2017. (<https://data.worldbank.org/indicator/SP.POP.TOTL>)
167. UNESCO Institute for Statistics. *Morocco*: <http://uis.unesco.org/en/country/MA>
168. Morocco: <https://www.graphicmaps.com/morocco> (last modified 17 January 2018)
169. Morocco. *Demographics*: <https://knoema.com/atlas/Morocco/topics/Demographics/Age/Median-age-of-population>
170. Marotta, D. (2016). *Morocco: Mind the gap. Empowering women for a more open, inclusive and prosperous society*. Washington D.C.: World Bank Group.
171. WHO, UNICEF, UNFPA & The World Bank. *Trends in Maternal Mortality: 1990 to 2015*. WHO, 2015. (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>)
172. Abouchadi, S., Zhang, W.-H., & De Brouwere, V. (2018). Underreporting of deaths in the maternal deaths surveillance system in one region of Morocco. *PLoS ONE*, 13(1): e0188070.
173. UNDP (2017). *Human Development Data (1990-2017)*. New York: UNDP. (<http://hdr.undp.org/en/data>)
174. UNDP (2018). *Human Development Reports*. New York: UNDP. (<http://hdr.undp.org/en/composite/GII>)
175. UNICEF (2017). *State of the World's Children*. New York: UNICEF.
176. Haut-Commissariat au Plan (2011). *Les indicateurs sociaux du Maroc en 2011*. Rabat: Direction de la Statistique.
177. Ministère de la Justice et des Libertés (2012). *Statistiques des sections de la justice de la famille. Année 2011*. Royaume du Maroc. Septembre 2012. (<http://adala.justice.gov.ma/production/statistiques/SJF/FR/30-10-12%20VR%20Finale%20Statistique%20Francais.pdf>)
178. Committee on Women's Rights and Gender Equality (2017). *Delegation to Morocco – 17-20 July 2017*, Briefing note for FEMM members, European Parliament (PE 596.801). ([http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/596801/IPOL_BRI\(2017\)596801_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/596801/IPOL_BRI(2017)596801_EN.pdf))
179. Office Français de Protection des Réfugiés et Apatrides (OFPRA) (2017). *Maroc: Les mariages forcés*. 24 February 2017. (<http://www.refworld.org/docid/5a5384bd4.html>)
180. Haut-Commissariat au Plan (2011). *Enquête Nationale sur la Prévalence de la violence à l'Égard des Femmes*. Rabat: Haut-Commissariat au Plan.
181. Ligue Démocratique pour les Droits des Femmes (LDDF) (2006). *Rapport sur l'application du Code de la Famille deux ans après son entrée en vigueur*. Casablanca: LDDF.
182. The National Research Council and Institute of Medicine (2005). *Growing Up Global: The Changing Transitions to Adulthood in Developing Countries*. Panel on Transitions to Adulthood in Developing Countries. Cynthia B. Lloyd (Ed.) Committee on Population and

- Board on Children, Youth, and Families. Division of Behavioral and Social Sciences and Education. Washington, D.C.: The National Academies Press, p. 432.
183. Belgium.be: Een cijfermatig inzicht in de bevolking. (https://www.belgium.be/nl/over_belgie/land/bevolking)
 184. Hertogen, J. (2015). *Inwoners met migratieachtergrond per gewest en nationaliteit*. 4 September 2015. (<http://www.npdata.be/BuG/282-Migratie-gewest/Migratie-gewest.htm>)
 185. Schoonvaere, Q. (2014). *België-Marokko: 50 jaar migratie. Demografische studie over de populatie van Marokkaanse herkomst in België*. Centre de recherche en démographie et sociétés, Université Catholique de Louvain & Federaal Centrum voor de analyse van de migratiestromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, juni 2014.
 186. Boussetta, H. (2008). New Moroccan Migrants in Belgium. *Journal of Immigrant & Refugee Studies*, 6(3): 397-408.
 187. Belgian Immigration Office (2015). *Residence Permits Issued For Family Reasons. Statistics 2010-2015*. Brussels: Federal Public Service Home Affairs.
 188. Federaal Migratiecentrum Myria (2017). *Migratie in cijfers en rechten*. Brussel. (http://www.myria.be/files/MIGRA2017_NL_AS.pdf)
 189. Surkyn, J. (1991). *Het gezins- en waardenonderzoek bij Turkse en Marokkaanse vrouwen in Vlaanderen en Brussel*. Working Paper: Etnische Minderheden in België. VUB & UGent, 1991 (nr. 3, 17).
 190. Vrije Universiteit Brussel (VUB) (1999), Referred to in the following legislative record: <http://www.senate.be/www/?MIval=/publications/viewPub.html&COLL=S&LEG=4&NR=727&VOLGNR=1&LANG=nl>
 191. Garcia, A., Dumont, I., Melan, E. & Monshe, V. (Eds.) (2004). *Le mariage, un choix pour la vie? Une enquête sur les aspirations et attentes des jeunes envers le mariage*. Université Catholique de Louvain.
 192. Descheemaker, L., Heyse, P., Wets, J., Clycq, N., & Timmerman, C. (2009). *Partnerkeuze en huwelijkssluiting van Allochtone mannen. Een kwantitatieve en kwalitatieve analyse van het partnerkeuzeproces en het huwelijk van Marokkaanse, Turkse en sikhmannen*. Instituut voor de Gelijkheid van Vrouwen en Mannen, Brussel.
 193. The Institute for Equality between Women and Men (2015). *Forced Marriage? Guide for professionals*. Brussels.
 194. Gsir, S., Mandin, J. & Mescoli, E. (2015). *Moroccan and Turkish Immigration in Belgium, a Corridor Report*. INTERACT RR 2015/03, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute. (<http://cadmus.eui.eu/handle/1814/34681>)
 195. van de Pol, S. & Vanheule, D. (2018) *Maatschappelijke oriëntatie in kaart gebracht: België*. Centrum voor Migratie en Interculturele Studies, Universiteit Antwerpen.
 196. Commission Communautaire Commune: Ordonnance concernant le parcours d'accueil des primo-arrivants. nr. 2017020366. 30 mai 2017.
 197. European Migration Network (EMN) (2017). *National Contact Point Belgium: Integration Programme to become mandatory in Brussels Capital*. Brussels: EMN Belgium.
 198. Mason, J. (2002). *Qualitative Researching*. Sage: London.
 199. Kemmesies U. (2000). How to reach the unknown: the snowball sampling technique. In Greenwood, G. & Robertson, K. (eds), *Understanding and Responding to Drug Use: the Role of Qualitative Research* (pp. 265–272). Scientific Monograph Series no. 4. Luxembourg: European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).
 200. Neale, J. , Allen, D., & Coombes, L. (2005). Qualitative research methods within the addictions. *Addiction*, 100: 1584-1593.
 201. Martin, A., & Stenner, P. (2004). Talking about drug use: what are we (and our participants) doing in qualitative research? *International Journal of Drug Policy*, 15: 395–405.
 202. Kingdon, J.W. (1984). *Agendas, alternatives and public policies*. Boston and Toronto: Little, Brown and Company.

203. Zahariadis, N. (2007). The multiple streams framework: structure, limitations, prospects. In P. A. Sabatier (Ed.), *Theories of the policy process* (pp. 65–92). Boulder: Westview Press.
204. Walt, G., Shiffman, J., Schneider, H., Murray, S. F., Brugha, R., & Gilson, L. (2008). 'Doing' health policy analysis: methodological and conceptual reflections and challenges. *Health Policy and Planning*, 23(5): 308–317.
205. Bergold, J., & Thomas, S. (2012). Participatory Research Methods: A Methodological Approach in Motion. *Forum Qualitative Sozialforschung / Forum Qualitative Social Research*, 13(1).
206. OHCHR (2018). *A Human Rights-Based Approach to Data. Leaving No One Behind in the 2030 Agenda for Sustainable Development*. UN Human Rights, Office of the High Commissioner (OHCHR). Geneva: United Nations.
207. Ellsberg, M., & Heise, L. (2005). *Researching Violence Against Women. A Practical Guide for Researchers and Activists*. Washington DC: World Health Organisation, PATH.
208. World Health Organization (2001). *Putting Women First: Ethical and Safety Recommendations of research on Domestic Violence against Women*. Department of Gender and Women's Health, WHO: Geneva. (<http://www.who.int/gender/violence/womenfirtseng.pdf>)
209. Guest, G., Bunce, A., & Johnson, L. (2006). How many interviews Are enough? an experiment with data saturation and variability. *Field Methods*, 18(1): 59–82.
210. Krueger, R.A., & Casey, M.A. (2000). *Focus Groups. A Practical Guide for Applied Research*. 3rd Edition. Thousand Oaks, CA: Sage Publications.
211. Barbour, R. S., & Kitzinger, J. (Eds.). (1999). *Developing focus group research: Politics, theory and practice*. Thousand Oaks, CA, : Sage Publications.
212. GTZ: Deutsche Gesellschaft für Technische Zusammenarbeit (now GIZ). (2005). *Generation Dialogue about FGM and HIV/AIDS: Method, Experiences in the Field and Impact Assessment*. Eschborn: GTZ.
213. Pulerwitz, J., Gortmaker, S.L., & DeJong, W. (2000). Measuring Relationship Power in HIV/STD Research. *Sex Roles*, 42(7/8): 637–660.
214. Morokoff, P.J., Quina, K., Harlow, L.L., Whitmire, L., Grimley, D.M., Gibson, P.R., & Burkholder, G.J. (1997). Sexual Assertiveness Scale (SAS) for women: development and validation. *Journal of Personality and Social Psychology*, 73(4): 790-804.
215. Garcia-Morena C., Jansen, H., Ellsberg, M., Heise, L. & Watts, C. (2005). *WHO Multi-country Study on Women's Health and Domestic Violence against Women: Initial results on prevalence, health outcomes and women's responses*. Geneva: World Health Organization.
216. Hooghiemstra, E. (2001). Migrants, Partner Selection and Integration: Crossing Borders? *Journal of Comparative Family Studies*, 32(4): 601-626.
217. Heyse, P., F. Pauwels, J. Wets, C. Timmerman and N. Perrin (2007) *Liefde kent geen grenzen. Een kwantitatieve en kwalitatieve analyse van huwelijksmigratie vanuit Marokko, Turkije, Oost-Europa en Zuidoost-Azië*, Antwerpen/Leuven: OASeS & CeMIS/HIVA.
218. Ritchie, J., & Lewis, J. (2003). *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. London: Sage Publications.
219. Field, E., & Ambrus, A. (2008). Early Marriage, Age of Menarche, and Female Schooling Attainment in Bangladesh. *Journal of Political Economy*, 116(5): 881–930.
220. Nguyen, M.C., & Wodon, Q. (2015). Estimating the Impact of Child Marriage on Literacy and Education Attainment in Africa. In Wodon Q. (Ed.), *Child Marriage and Education in Sub-Saharan Africa*. Washington, DC: World Bank Group.
221. Lee-Rife, S., Malhotra, A., Warner, A., & Glinsk, A.M. (2012). What works to prevent child marriage: a review of the evidence. *Stud Fam Plann*, 43(4): 287-303.
222. McCleary-Sills, J., Hanmer, L., Parsons, J. & Klugman, J. (2015). Child Marriage: A Critical Barrier to Girls' Schooling and Gender Equality in Education. *The Review of Faith & International Affairs*, 13:3: 69-80.
223. Sekine, K., & Hodgkin, M.E. (2017). Effect of child marriage on girls' school dropout in

- Nepal: Analysis of data from the Multiple Indicator Cluster Survey 2014. *PLoS ONE*, 12(7): e0180176.
224. Asadullah, M.N., Alim, A., Khatoon, F. & Chaudhury, N. (2016). *Maternal Early Marriage and Cognitive Skills Development: An Intergenerational Analysis*. WIDER Conference on Human Development and Growth, Helsinki.
 225. Wodon, Q., & Yedan. A. (2017). *Intergenerational Impact of Child Marriage on the Education of the Girls Marrying Early*. Education Global Practice. Washington, DC: The World Bank.
 226. Brown, G. (2012). *Out of wedlock, into school: Combating child marriage through education*. London: Education for All Campaign.
(<http://educationenvoy.org/wp-content/uploads/2013/09/Child-Marriage.pdf>)
 227. International Center for Research on Women (ICRW) (2006). *Too Young to Wed: Education & Action Toward Ending Child Marriage*. Washington, DC: ICRW.
 228. World Bank (2012). *Morocco: Promoting Youth Opportunities and Participation*. Washington DC: World Bank.
 229. Zoglin, K. (2009). Morocco's Family Code: improving equality for women. *Hum Rights Quart*, 31(4): 964-984.
 230. Eisenberg, A.M. (2011). Law on the books vs. Law in action: under-enforcement of Morocco's reformed 2004 family Law, the Moudawana. *Cornell Inter Law J*, 44(3): 693–728.
 231. Raj, A. (2010). When the Mother is a Child: The Impact of Child Marriage on the Health and Human Rights of Girls. *Archives of Diseases in Childhood*, 95: 931–935.
 232. Angel-Urdinola, D., & Wodon, Q. (2010). *Income Generation and Intra-Household Decision Making: A Gender Analysis for Nigeria*. MPRA paper 27738, University Library of Munich, Munich, Germany.
 233. Luz, L. & Agadjanian, V. (2015). Women's decision-making autonomy and children's schooling in rural Mozambique. *Demographic Research*, 32: 775-796.
 234. Gliniski, A.M., Sexton, M., & Meyers, L. (2015). *The Child, Early, and Forced Marriage Resource Guide Task Order*, Banyan Global: Washington D.C.
 235. Staples, L.H. (2008). *Guilt with a twist: The Promethean way*. Fisher King Press.
 236. Benedict, R. (1946). *The Chrysanthemum and the Sword*. Houghton Mifflin, Boston.
 237. Mesquita, B., & Karasawa, M. (2004). Self-conscious emotions as dynamic cultural processes. *Psychol Inq*, 15(2):161–166.
 238. L. Hyde. (2008). *Trickster makes this world. How disruptive imagination creates culture*. Edinburgh: Canongate Books.
 239. Sznycer, D., Tooby, J., Cosmides, L., Porat, R., Shalvi, S., & Halperi, E. (2016). Shame closely tracks the threat of devaluation by others, even across cultures. *Proc Natl Acad Sci USA*, 113: 2625–2630.
 240. Deboosere, P., Lesthaeghe, R., Surkyn, J., Willaert, D., Boulanger, P.-M., Lambert, A., & Lohlé-Tart, L. (2009). *Ménages et familles en Belgique*. Enquête Socio-économique 2001 Monographies; No. 4). Bruxelles: Direction Générale Statistique et Information Économique.
 241. Lievens, J., Van de Putte, B., Van der Bracht, B., & Caestecker, F. (2013). *Trends in partnerkeuze van eerste en tweedegeneratiemigranten in België: partnerkeuze van personen woonachtig in België met een migratieachtergrond, 2001-2008. Met bijzondere aandacht voor de bevolkingsgroep van Marokkaanse en Turkse herkomst in België*. Universiteit Gent.
 242. Van Kerckem K., Van der Bracht, K., Stevens, P.A.J., & Van de Putte, B. (2013). Transnational Marriages on the Decline: Explaining Changing Trends in Partner Choice among Turkish Belgians. *International Migration Review*, 47(4): 1006-1038.
 243. Corijn, M. (2009). Divorce among Turkish and Moroccan marriage migrants in Flanders (Belgium). p. 22 in *Seventh Meeting of the European Network for the Sociological and Demographic Study of Divorce*, Antwerp.
 244. Benradi, M., M'chichi, H.A., Ounnir, A., Boukaïssi, M.M., & Zeidguy, R. (2007). *Le Code de la famille. Perceptions et pratique judiciaire*. Morocco: Friedrich Ebert Stiftung.

245. Flah, L. (2012). 'Bayrat' or 'Spinsters', *Single Women Trapped in Social Stigma*. Morocco World News. (<http://www.moroccoworldnews.com/2012/08/52406/bayrat-or-spinsters-single-women-trapped-in-social-stigma/>)
246. Akpinar, A. (2003). The honour/shame complex revisited: violence against women in the migration context. *Women's Studies International Forum*, (26)5: 425-442.
247. Charpentier, I. (2010). Virginité des filles et rapports sociaux de sexe dans quelques récits d'écrivaines marocaines contemporaines. *Genre, sexualité & société*, 3. URL : <http://gss.revues.org/1413> ; DOI : 10.4000/gss.1413
248. Saharso, S. (2003). Culture, tolerance and gender: a contribution from the Netherlands. *Women's Stud*, 10: 7-27.
249. Cook, R.J., & Dickens, B.M. (2009). Hymen reconstruction: ethical and legal issues. *Int J Gynaecol Obstet*, 107: 266-269.
250. O'Connor, M. (2008). Reconstructing the hymen: mutilation or restoration? *J Law Med*, 16: 161-175.
251. Temmerman, M., & Leye, E. (2009). Vrouwelijke genitale mutilatie en maagdenvliesherstel. *Bijblijven*, 25: 34-39.
252. Bekker, M.H., Rademakers, J., Mouthaan, I., et al. (1996). Reconstructing hymens or constructing sexual inequality? Service provision to Islamic young women coping with the demand to be a virgin. *J Community Appl Soc Psychol*, 6: 329-334.
253. Verhaar, O. (1999). Maagdenvlieshersteloperaties tussen gedogen en verbieden. *Migrantenstudies*, 15: 128-140.
254. Saharso, S. (2004). Feminisme en multiculturalisme: twee zielen in één borst? *Ethiek en Maatschappij*, 7: 26-39.
255. Amy, J.J. (2008). Certificates of virginity and reconstruction of the hymen. *Eur J Contracept Reprod Health Care*, 13: 111-113.
256. Vermeirsch, S., Sabbe, A., Temmerman, M., & Leye, E. (2013). De mythe van het maagdenvlies. *Tijdschrift voor Geneeskunde*, 69(9): 440-445.
257. Leye, E., Ogbe, E., & Heyerick, M. (2018). 'Doing hymen reconstruction': an analysis of perceptions and experiences of Flemish gynaecologists. *BMC Women's Health*, 18(91).
258. Stern, E. (2015). Education, in J. Edström, A. Hassink, T. Shahrokh & E. Stern (eds.). *Engendering Men: A Collaborative Review of Evidence on Men and Boys in Social Change and Gender Equality*. EMERGE Evidence Report, Promundo-US, Sonke Gender Justice and Institute of Development Studies, Brighton: IDS.
259. Lentz, M. (2015). *Moroccan Family Court Judges: A marriage should not always be salvaged*. KVINFO Magazine, 12 June 2015. (<http://kvinfo.dk/moroccan-family-court-judges-a-marriage-should-not-always-be-salvaged/?lang=en>)
260. Lemmon, G.T., & El Harake, L.S. (2014). *High Stakes for Young Lives: Examining Strategies to Stop Child Marriage*. New York: Working Paper, Council on Foreign Relations.
261. Human Rights Education Associates (HREA) (2005). *HREA presents results of study on gender bias in Moroccan schoolbooks*. HREA-Maroc, Casablanca.
262. Sadiqi, F. (2008). Gender perceptions in Moroccan culture, In Azzouzi, A. (Ed.). *Cultural and Civilisational Realities* (pp 165-189). Paris: L'Harmattan.
263. Greene, M., Mehta, M., Pulerwitz, J., Wulf, D., Bankole, A., & Singh, S. (2006). Involving Men in Reproductive Health: Contributions to Development. Background paper to the report 'Public Choices, Private Decisions: Sexual and Reproductive Health and the Millennium Development Goals.' Washington, DC: Millennium Project.
264. Amnesty International (2013). *Maroc: la partialité du Code Pénal marocain met les femmes et les jeunes filles en danger*. Amnesty France.
265. Amnesty International (2014). *Morocco: Amendment of rape provision is a step in the right direction*. 23 January 2014. <https://www.amnesty.org/en/latest/news/2014/01/morocco-amendment-rape-provision-step-right-direction/>
266. Human Rights Council (2012). *Report of the Working Group on the Issue of*

- Discrimination Against Women in law and in Practice*. United Nations, New York: Mission to Morocco. (A/HRC/20/28/Add.1)
267. Amnesty International (2016). *Morocco: Violence against women bill needs stronger safeguards*. (Index: MDE 29/4007/2016), 20 May 2016.
<https://www.amnesty.org/en/documents/mde29/4007/2016/en/>
268. Middle East Monitor (2017). *Female Morocco group to oversee anti-violence against women law*. November 10, 2017.
<https://www.middleeastmonitor.com/20171110-female-morocco-group-to-oversee-anti-violence-against-women-law/>
269. Human Rights Watch (2018). *Morocco: New Violence Against Women Law*. 28 February 2018.
<https://www.hrw.org/news/2018/02/26/morocco-new-violence-against-women-law>
270. Al Jazeera (2018). *Morocco criminalises violence against women and sexual harassment*. 12 September 2018.
<https://www.aljazeera.com/news/2018/09/morocco-violence-women-law-effect-180912061837132.html>
271. BBC (2018). *Morocco bans forced marriage and sexual violence*. 12 September 2018.
<https://www.bbc.com/news/world-africa-45496337>
272. Bordat, W.S., & Kouzzi, S. (2017). *Violence Against Women: 16 Activities That Won't Amend Morocco's 103.13 Bill*. Morocco World News, 25 November 2017.
(<https://www.morocccoworldnews.com/2017/11/234770/morocco-103-13-violence-women/>)
273. Lahsini, Ch. (2017). *Universal Periodic Review Calls on Morocco To Review Its Violence Against Women Laws*. 8 May 2017.
(<https://www.morocccoworldnews.com/2017/05/215999/universal-periodic-review-calls-on-morocco-to-review-its-violence-against-women-laws/>)
274. UN General Assembly (2017). *Morocco: Report of the Working Group on the Universal Periodic Review*. Human Rights Council 36th session, 11-29 September 2017. A/HRC/36/6.
275. Human Rights Watch (2016). *Morocco: Tepid Response on Domestic Violence*. 15 February 2016. (<https://www.hrw.org/news/2016/02/15/morocco-tepid-response-domestic-violence>)
276. Sterckx, L. (2008). *Turkish and Moroccan Youths' Choice of a Marriage Partner*. Lisbon: European Social Science History Conference (ESSCH), February-March 2008.
277. Aileen, T. (2006). How Stricter Dutch Immigration Policies Are Contributing to Rising Islamic Fundamentalism in the Netherlands and Europe. *Washington University Global Studies Law Review*, 5(2): 451-468.
278. Wilson, A. (2007). The forced marriage debate and the British state. *Race & Class*, 49(1): 25-38.
279. Dustin, M. & Phillips, A. (2008). Whose agenda is it?: abuses of women and abuses of 'culture' in Britain. *Ethnicities*, 8(3): 405-424.
280. European Migration Network (EMN) Belgium, Sarolea, S., & Hardy, J. (2017). *Family Reunification With Third Country National Sponsors In Belgium*. Study of the Belgian Contact Point of the European Migration Network (EMN).
281. Ebeturk, I., & Cowart, O. (2017). Criminalization of forced marriage in Europe: A qualitative comparative analysis. *International Journal of Comparative Sociology*, 58(3): 169-191.
282. Swedish Government Report (2012): *Betänkande av Utredningen om stärkt skydd mot tvångsäktenskap och barnäktenskap (Report of the inquiry on stronger protection against forced marriages and child marriages)*, Statens Offentliga Utredningar (Official Government Inquiry), Stockholm, SOU 2012:35.
283. Gangoli, G., Razak, A., & McCarry, M. (2006). *Forced Marriages and Domestic Violence Among South Asian Communities in North East England*. Newcastle, UK: Northern Rock Foundation and University of Bristol.

284. Reitmanova, S., & Gustafson, D.L. (2008). "They can't understand it": Maternity health and care needs of immigrant Muslim women in St. John's, Newfoundland. *Matern Child Health J*, (12): 101–111.
285. Shah, S.M., Ayash, C., Pharaon, N.A., & Gany, F.M. (2008). Arab American immigrants in New York: Health care and cancer knowledge, attitudes, and beliefs. *J Immigr Minor Health*, 10: 429–36.
286. Padela, A.I., & Zaidi, D. (2018). The Islamic tradition and health inequities: A preliminary conceptual model based on a systematic literature review of Muslim health-care disparities. *Avicenna journal of medicine*, 8(1): 1-13.
287. Matin, M. & LeBaron, S. (2004). Attitudes toward cervical cancer screening among Muslim women: A pilot study. *Women Health*, 39: 63–77.
288. OECD-Development Assistance Committee (DAC) (2014). *Financing the unfinished business of gender equality and women's rights: priorities for the post-2015 framework*. Paris: OECD-DAC.
289. Towers, J., & Walby, S. (2012). *Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls*. Newcastle upon Tyne: Northern Rock Foundation.
290. Shaw, A. (2001). Kinship, cultural preference and immigration: Consanguineous marriage among British Pakistanis. *Journal of the Royal Anthropological Institute*, 7(2): 315-334.
291. Sundari, A., & Gill, A. (2009). Coercion, Consent and the Forced Marriage Debate in the UK. *Fem Leg Stud*, 17: 165-184.
292. Bucci, L. (2012). An overview of the legal and cultural issues for migrant Muslim women of the European union: A focus on domestic violence and Italy. *Crime Law Soc Change*, 58: 75–92.
293. Savage, T.M. (2004). Europe and Islam: Crescent waxing, cultures clashing. *The Washington Quarterly*, 27(3): 25–50.
294. Bredal, A. (2005). Arranged Marriages as a Multicultural Battle Field. In Andersson, M., Lithman, Y. & Sernhede, O. (Eds.). *Youth, Otherness, and the Plural City: Modes of belonging and social life* (pp. 75-106). Gothenburg: Daidalos.
295. Geetanjali, G. et al. (2009). Child Marriage or Forced Marriage? South Asian Communities in North East England. *Children & Society*, 23: 418-42.
296. Sen, A. (1985). Well-being, Agency, and Freedom: The Dewey Lectures 1984. *The Journal of Philosophy*, 82(4): 169–221.
297. Hanmer, L., & Klugman, J. (2015). Exploring Women's Agency and Empowerment in Developing Countries: Where do we stand? *Feminist Economics*, 22(1): 237-263.
298. Kabeer, N. (2008). *Paid Work, Women's Empowerment and Gender Justice: Critical Pathways of Social Change*. Pathways Working Paper 3. Institute of Development Studies, University of Sussex, Brighton.
299. Alkire, S. (2008). *Concepts and Measures of Agency*. Oxford Poverty and Human Development Initiative (OPHI) Working Paper 10, Queen Elizabeth House, University of Oxford.
300. Klein, E. (2014). *Psychological agency: Evidence from the urban fringe of Bamako*. Oxford Poverty and Human Development Initiative, Working paper 69.
301. Butler, J. (1990). *Gender trouble: feminism and the subversion of identity*. London: Routledge.
302. Butler, J. (1993). *Bodies that matter: on the discursive limits of 'sex'*. London: Routledge.
303. McNay, L. (2016). Agency. In L. Disch & M. Hawkesworth (Eds.). *The Oxford Handbook of Feminist Theory* (pp. 39-60). Oxford: Oxford University Press.
304. McNay, L. (2016). *Gendered Agency: Reconfiguring the Subject in Feminist and Social Theory*. Cambridge: Polity.
305. Madhok, S., Phillips, A., & Wilson, K. (Eds.) (2013). *Gender, Agency, and Coercion*. New York and London: Palgrave Macmillan.
306. Kantola, J. & Lombardo, E. (2017). *Gender and Political Analysis*. London: Palgrave Macmillan.

307. Coomaraswamy, R. (2002). *Integration of the human rights of women and the gender perspective. Report of the Special Rapporteur on violence against women, its causes and consequences, submitted in accordance with the United Nations Commission on Human Rights Resolution 2001/49*. 31 January 2002, E/CN.4/2002/83.
308. Shariff, F. (2012). Towards a transformative paradigm in the UK response to forced marriage: excavating community engagement and subjectivising agency. *Social & Legal Studies*, 21(4): 549–565.
309. Martin, A., & Stenner, P. (2004). Talking about drug use: what are we (and our participants) doing in qualitative research? *International Journal of Drug Policy*, 15: 395–405.
310. Smithson, J. (2010). Using and analysing focus groups: Limitations and possibilities. *International Journal of Social Research Methodology*, (3)2: 103-119.
311. Chant, S. & Sweetman, C. (2012). Fixing women or fixing the world? Smart economics, efficiency approaches and gender equality in development. *Gender and Development*, 20(3): 517-529.
312. Peet, R. & Hartwick, E. (2015). *Theories of Development: Contentions, Arguments, Alternatives*. London: The Guilford Press.
313. Chant, S. (2000). From 'Woman-blind' to 'Man-kind': Should Men Have More Space in Gender and Development?, *IDS BULLETIN*, 31(2): 7–17.
314. Sadiqi, F., & Ennaji, M. (2006). The Feminization of Public Space: Women's activism, the family law, and social change in Morocco. *Journal of Middle East Women's Studies*, 2(2): 86-114.
315. Gill, A., & Mitra-Kahn, T. (2012). Modernising the other: assessing the ideological underpinnings of the policy discourse on forced marriage in the UK. *Policy & Politics*, 40(1): 107–122.
316. Nanda, P., Das, P., Datta, N., & Lamba, S. (2016). *Impact of a Conditional Cash Transfer Program Girls' Education and Age of Marriage in India. A Process Evaluation*. International Center for Research on Women: Washington D.C.
317. Amin, S., Asadullah, M.N., Hossain, S., & Wahhaj, Z. (2016). *Can Conditional Transfers Eradicate Child Marriage? IZA (Institute for the Study of Labor) Policy Paper No. 118*.
318. Amin, A., Saha, J.S., & Ahmed, J.A. (2018). Skills-Building Programs to Reduce Child Marriage in Bangladesh: A Randomized Controlled Trial. *Journal of Adolescent Health*, 63(3): 293-300.
319. Temin, M., Amin S., Ngo, T.D., & Psaki, S. (2018). How to give adolescent girls voice, choice, and control. A framework for programs focused on empowering adolescent girls. *Stanford Social Innovation Review*, 17 December 2018.
320. Haberland, N.A. (2015). The case for addressing gender and power in sexuality and HIV education: a comprehensive review of evaluation studies. *Int Perspect Sex Reprod Health*, 41(1): 31-42.
321. Ashraf, A. (2015). Forced marriage and health. *Diversity and Equality in Health and Care*, 12(3): 89-92.
322. Sengoelge, M., Abaszade, N., Brantl, I., Chimba, M., Sempere Culler, S., Kinderbaeva, N., Nectoux, M., Rodrigues, A., Villar, D., & Völscho, Y. (2016). *EU Roadmap on Forced/Early Marriage. Referral Pathway for Frontline Professionals*. University of Vechta, Germany.
323. UNFPA & East European Institute for Reproductive Health (2015). *Health care services provision, part of multi-sectoral response to GBV. Standard Operating Procedures*. UNFPA Regional Office for Eastern Europe and Central Asia (UNFPA EECARO).
324. Leach, F., & Sitaram, S. (2002). Microfinance and women's empowerment: a lesson from India. *Development in practice*, 12(5).
325. Petroni, S., Steinhaus, M., Fenn, N.S., Stoebenau, K., & Gregowski, A. (2017). New findings on child marriage in Sub-Saharan Africa. *Ann Glob Health*, 83(5-6): 781-790.
326. Molyneux, M., & Thomson, M. (2011). Cash Transfers, Gender Equity and Women's Empowerment in Peru, Ecuador and Bolivia. *Gender & Development*, 19(2): 195-212.

327. Brady, C. (2011). *Walking the Talk: Cash transfers and gender dynamics*. Oxfam Research Reports. Oxfam GB and Concern Worldwide.
328. Amin, S., Ahmed, J., Saha, J., Hossain, M., & Haque, E. (2016). *Delaying Child Marriage Through Community-Based Skills-Development Programs for Girls*. New York and Dhaka, Bangladesh: Population Council.
329. Bandiera, O., Niklas B., Robin B., Markus G., Selim G., Rasul, I., & Sulaiman, M. (2015). *Women's Empowerment in Action: Evidence from a Randomized Control Trial in Africa*. Economic Organisation and Public Policy Discussion Papers, EOPP 50, The London School of Economics and Political Science.