

JOIN THE FIGHT AGAINST MARITAL CAPTIVITY

Do research

Start painting the situation in your country. Is forced marriage illegal in your country? Then you can fight for the broadening of the definition of a forced marriage to include marital captivity.

Raise awareness

Raise awareness through storytelling, writing opinion pieces, approaching media and building coalitions. Also, use social media such as Twitter, Instagram, Facebook, LinkedIn and your website to draw (inter)national attention to the issue. Use the hashtag: **#StopMaritalCaptivity**

Network/Lobby

Build or use your network of politicians to place the issue of marital captivity on the political agenda. Address the situation at the CEDAW Committee by speaking on how your country does not take measures to combat marital captivity and is therefore in violation of article 16.

How can we help each other?

1. Share each other's messages, information and stories.
2. Share our networks and connect; we need a strong base of support to achieve this change!
3. Let's get in touch!

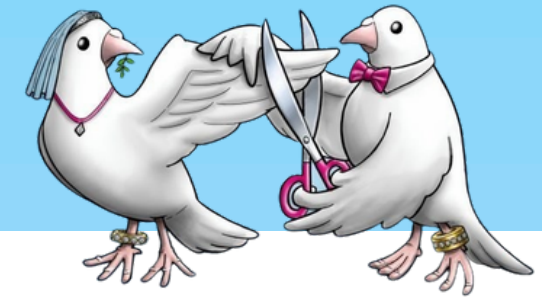
Let's work together to reach our ultimate goal: to stop marital captivity!



Femmes for Freedom

Jan van Nassastraat 102,
2596BW
The Hague, the Netherlands
info@femmesforfreedom.com +31
70 362 65 06
www.femmesforfreedom.com

You can also find us on:



MARITAL CAPTIVITY

What is it?

Why is it urgent?

Who deals with it?

Is there a solution?

What international framework exist?

WHAT IS MARITAL CAPTIVITY?

Marital captivity occurs when a person, most often a woman, is unable to leave or dissolve a marriage despite wanting to do so. This situation may arise because of restrictive divorce laws, religious barriers to divorce, social pressure, economic dependency, immigration status, or threats and coercion from a spouse or family members. In such circumstances, a woman may be legally married, but in reality she is trapped in a relationship without a meaningful possibility of exit.

WHO DEALS WITH MARITAL CAPTIVITY?

Marital captivity happens within different religious communities, such as Jewish, Christian and Muslim communities. Both men and women can become victims of marital captivity. However, in practice we see that it usually affects women. This is caused by the differences and inequalities between men and women in patriarchal societies where gender inequality is the norm.

WHY IS MARITAL CAPTIVITY URGENT?

Marital captivity is violence against women. The consequences that victims face heavily impact their lives:

- She is unable to start new relationships or remarry, facing exclusion and stigmatization from her community.
- Her husband can claim her day and night, as marital obedience is the norm in patriarchal communities.
- She can be prosecuted for bigamy and adultery in her country of origin if she enters a new relationship.
- In countries where women fall under male guardianship, they are not allowed to travel without their husband's permission nor renew her passport

INTERNATIONAL FRAMEWORK

Although the term “**marital captivity**” is not always explicitly used in international treaties, the protection against it is firmly embedded in **international human rights law**:

The **Universal Declaration of Human Rights**, in Article 16, establishes that marriage shall be entered into only with the **free and full consent of the intending spouses**. Importantly, genuine consent cannot be understood as a one-time moment at the beginning of marriage. It must also imply the **ongoing freedom to leave a marriage** if one chooses.

The **International Covenant on Civil and Political Rights**, in Article 23, requires states to ensure **equality of rights and responsibilities of spouses during marriage and at its dissolution**. This provision recognizes that equality within marriage includes the **ability to end the marital relationship on equal terms**.

The most comprehensive framework addressing discrimination within family relations is the **Convention on the Elimination of All Forms of Discrimination Against Women, or CEDAW**. Article 16 obliges states to ensure women and men have the same rights **to enter marriage, to freely choose a spouse, and to enjoy equal rights during marriage and at its dissolution**. When women face legal or practical barriers that prevent them from leaving a marriage, this constitutes a form of **gender-based discrimination** under international law.

The CEDAW Committee has further clarified these obligations through General Recommendation No. 21, which emphasizes women's equal rights in marriage and divorce, and General Recommendation No. 35, which recognizes that restrictions on women's autonomy, including situations that trap women in abusive marriages, can constitute **gender-based violence**.

The **European Convention on Human Rights** provides important protections. Article 8 guarantees the **right to respect for private and family life**, including **personal autonomy and the freedom to make fundamental decisions about one's relationships**. Situations where individuals cannot leave a marriage may interfere with this right. Article 12 recognizes the **right to marry**, which implies that both entering into and continuing a marriage must be based on free will.

The **Istanbul Convention** offers a more explicit framework. Article 37 requires states to **criminalize forced marriage**, including situations **where a person is compelled to enter into or remain in a marriage without full and free consent**.

A SOLUTION FOR MARITAL CAPTIVITY?

Yes! Dutch jurisprudence recognizes it as a **wrongful act** and a **violation of human rights**. The Netherlands is the first country in the world to recognize marital captivity as **violence against women**.

The **Law on Preventing Marital Captivity** has been passed. Marital captivity is now recognized in both the **Dutch Civil Code** and the **Code of Civil Procedure**. This new law makes it easier for women to leave a religious marriage and helps **prevent marital captivity**.

Femmes for Freedom successfully launched a political lobby to **broaden the definition of forced marriage** to include marital captivity in the forced marriage bill in the Dutch Penal Code, therefore **criminalizing** marital captivity. The recognition of marital captivity in the Dutch Civil Code **simplifies** the process of religious divorce. Femmes for Freedom further campaigned for better education and assistance, leading to several motions that helped provide **education, care and aid** to prevent marital captivity, help (potential) victims and educate professionals.

But marital captivity is not only a Dutch program; it exists in all 28 EU member states.