

FORCED MARRIAGES AND HONOUR CRIMES

REPORT ON THE SITUATION IN FRANCE

BREAKING THE SILENCE OF FORCED MARRIAGES AND OTHER FORMS OF FAMILY VIOLENCE

French women obtained the right to vote in 1945 and the constitution of the Fourth Republic, adopted in 1946, recognized gender equality. In 1965, a law allowed women to work without their husband's permission and to open their own bank account. The laws legalizing contraception (1967) and induced abortion (1975) were turning points concerning the rights of women to be in control of their fertility and their body.

As for violence against women, the mobilization of feminist groups pressured the government into tackling the problem.

Underlying the feminists' struggle were three major demands. The first one was the legal recognition of rape as a crime, the second one the "*recognition of spousal abuse*", and the third one concerned "*sexual harassment at work*". In 1980, the French National Assembly passed a law that criminalizes rape as an attack on decency and morals. As a result of the demands and pressure coming from feminist groups, successive governments were ready to engage in the struggle against violence towards women.

During the 1990s, support for female victims of spousal abuse became better and could be provided much faster. Training programmes for police officers and health staff were established, preparing them for an adequate reception of female victims. The National Assembly passed laws protecting women against violence. Associations as well as emergency accommodation centres multiplied.

Legal responses to rape and to sexual harassment at work were provided in 1980 and in 1992, respectively.

There are, however, forms of violence that only migrant women experience: in particular female circumcision, forced marriages, and so called "honour" crimes – three forms of violence perpetrated in a domestic context against women from a migrant background. These forms of violence stem from the traditions and customs of the women's countries of origin and they are subsumed under the name of "customary violence".

For a long time, France refused to discuss its de facto status as a country of migration and growing population. By the 1990s, immigration was finally an important issue in the media and in public discussions.

But still, migrant women were invisible. For the French, migrants were primarily poor men who had come to France to work and sustain their families back in their countries of origin. So it was thought that the migrant's family and notably his wife had either stayed there or that she had come to France, too, living the life of a housewife and certainly being subdued by her husband (1).

Since then, migrant women have begun actively taking part in public life and the work of feminist groups as well as debates about discrimination and studies about gender have made migrant women visible and have led to their problems becoming an issue in politics.

In 2004, Juliette MINCES (2) distinguished “three forms of discrimination”: “Discrimination experienced by migrant women that affect women in general; discrimination one could consider as being institutional; and finally discrimination stemming from the traditions of the country of origin”.

In the course of the same decade, forced marriage was identified as the main form of violence against young women whose families had a migration background. In France, this issue in particular came to the surface only then. Other forms of violence have been pointed out more frequently, such as women being abandoned in their countries of origin, virginity testing and honour crimes.

Undeniably, the problem of forced marriage was being overlooked until associations made it known to the public. The main reason for this taboo certainly is the fact that the female dimension of migration was being disregarded. As a matter of fact, women had never been included in migration politics and in the corresponding debates.

Another factor contributing to the invisibility of forced marriage probably was people’s wrong understanding of the problem due to its legal complexity.

Different associations have worked on the issue since the 1990s, for example *Safya*, from the city of Lille in the north of France, and *Voix de femmes* (3), from the region of Paris. Both associations were founded by women affected by forced marriage themselves and they have worked on a local basis. Long before that, the association *Elele*, also from Paris and concentrating on Turkish migrants, had alerted the public. They were the first to draw attention to forced marriages involving *des brus importées de Turquie* (4), daughters-in-law brought in from Turkey, and to all the consequences, for example spousal abuse. Other associations from the region of Paris know these problems, for example *Voix d’elles Rebelles*, a contact point for women and young people in a disadvantaged neighbourhood, and *Gams*, an organisation specializing in the issue of female circumcision.

The *Mouvement français pour le planning familial* (MFPF or *Planning Familial*), a feminist and popular education movement, which was launched in 1956 in the context of the struggle for the right to contraception and induced abortion, is, due to its history and mission, confronted with violence against women: honour crimes, virginity testing, hymen reconstruction, forced marriages, confiscation of official documents (passport, residence permit, etc.), women forced to return to their parents’ country of origin and abandoned there, etc. During consulting hours and when doing outreach the *Planning Familial* staff and the concerned authorities alike are faced with these forms of violence related to the concept of honour, and in many cases combined with threats to the women’s lives, on a recurring basis. Thanks to the movement *Ni putes ni soumises*, which was launched in 2002 and which has a strong presence in the French media, it has been possible to considerably raise awareness of violence perpetrated against women in general and of forced marriage in particular. *Ni putes ni soumises* focuses on women from working-class neighbourhoods with a high percentage of migrant families. Violence towards migrant women has entered public discourse, which is, however, full of cultural relativism.

THE FIRST INITIATIVES

These initiatives were particularly concerned with forced marriages.

They were led by the DRDFE (Regional Delegation for Women’s Rights and Equality) in the region of Ile-de-France (5). This institution has not only established training programmes but has also provided very useful documents for every professional working in the field. In addition, in 2002, the French Ministry of National Education organized a conference for those in charge of the equal opportunity initiatives in the education system (6).

In 2000, the first network of professionals was founded in Montpellier, in the south of France (7).

In May, seven young girls just of age came to *Planning Familial*, asking for help to escape a marriage imposed by their parents. Confronted with their distress and the difficulties in finding a solution, *Planning Familial* called together a number of partner organizations to take stock of the problem and to consider joint action. This meeting led to the founding of a network, which has now for over ten years been dealing with the problem of young women who have reached legal age and who are struggling with violence and family break-ups related to forced marriages. Male victims have also been reported, but such cases are less frequent.

The network is called *Jeunes filles confrontées aux violences et aux ruptures familiales* (Young women confronted with violence and family break-ups) and consists of several institutions and associations. It provides a platform for exchange, reflection and suggestions to work out suitable solutions for domestic violence in terms of prevention, consultation, accommodation, financial assistance and long-term support for the young women concerned.

In order to create a deeper understanding of forced marriage, *Planning Familial* asked a university student to do a research project on the life stories of victims (8). The objective of this study was twofold: to show that forced marriage is a form of violence and to let the young victims' voices be heard on the matter. It was the first study of its kind in France.

With the support of *Planning Familial*, the network *Jeunes filles confrontées aux violences et aux ruptures familiales* has been presented in several departments of France. This created momentum and led to the formation of working groups in other French cities. In 2004, *Planning Familial* also organized the first international conference in Paris (9).

THE COUNCIL OF EUROPE

In 2005, the Council of Europe addressed the issue of forced marriage. The situation in France was presented and a resolution on forced marriage and child marriage was passed. This resolution called upon the countries concerned to comply with international treaties, among others the CEDAW and the Convention on the Rights of the Child, and it recommends that they take legal measures, such as setting marriageable age at 18 years, demanding an obligatory interview prior to marriage, simplifying marriage annulment proceedings, etc. (10).

OFFICIAL STUDIES

In 2000, for the first time in France, violence perpetrated against women was the subject of a national survey, called *Enveff* (11). It was conducted by a multidisciplinary team of scientists and it questioned women about attacks and forms of interpersonal violence (verbal, psychological, physical, and sexual) possibly experienced in different settings (in the public, at work and at home). A representative sample of 6970 women aged between 20 and 59 years were surveyed. The study has highlighted that violence against women is actually a real problem and it underlined that women living in families actively practicing their religion are more affected.

Questions about forced marriages and honour crimes were not included in this first survey.

The absence of figures raised doubts about the reality of forced marriages and associations mobilized to achieve high-level acknowledgement of the problem. *Planning Familial* demanded an interdisciplinary study in which professionals from the legal, social and political sector should be questioned.

A first study was launched by the ministry agency *Direction des Populations et des Migrations*, leading to a publication in 2008, but as its title reveals already, it related only peripherally to the problem (12). Indeed, it is full of representations of migrants and does not discuss violence and relationships of dominance.

A research group working on international migration published a book about forced marriage and marriage consent. The book also describes the actions carried out by associations (13).

The first survey about forced marriage was conducted by the INED (Institut National Des Etudes Démographiques), a research institute specialized in demographic studies. It was entitled "Trajectoires et Origines" and gathered information about the circumstances in which the respondents had married (14).

FIGURES

In France, every two days a woman dies because of domestic violence. 146 women died this way in 2010. There are no statistics about forced marriages. The highly publicised number of 70 000 is questionable.

Planning Familial can give the number of 700 cases since 2000. These cases concern the young women and approximately ten young men accompanied in the context of the network *Jeunes filles confrontées aux violences et aux ruptures familiales* in the region of Montpellier. It goes without saying that this number is far from reflecting the actual situation in France.

According to statistics from the Public Prosecution Service of Nantes, which comes under the authority of the Ministry of Foreign Affairs and which is responsible for questions of marital status, 45 000 marriages between French citizens and foreigners were registered in 2009, 2000 of them were contested, and in 30 % of these cases, they were finally opposed due to irregularities in the marriage procedure.

In 2006, the public prosecution authority was called upon 18 times to examine possible cases of forced marriage, in 2007, it was 47 times, and in 2008, 15 times.

According to the Children's Rights Portal (www.childrensrightsportal.org), female circumcision, or female genital mutilation (FGM), affects approximately 30 000 girls in France.

Between 2007 and 2009, the INED carried out a study in five regions (15) and questioned 2882 female immigrants or daughters of immigrants: 685 of them suffered female circumcision in their childhood.

HONOUR CRIMES

It is generally believed that honour crimes do not exist in France but some cases concerning young women from Turkey and Morocco have been covered by the media over the last years.

According to many professionals, it is clearly young Turkish women who are the first to be threatened with death by their relatives if they try to live outside the community. In France, and elsewhere in Europe, the Turkish are the immigrant group which is most cohesive and turned in on itself. The pressure exerted within this group is very strong. However, this does not mean that migrants from North Africa or citizens whose parents or grandparents emigrated from there do not experience the same kind of group pressure. According to Marie Deverre (16), the majority of young women calling for help have Turkish origins. On 8th March 2010, the Senate Delegation for Women's Rights organized a conference on forced marriage and honour crimes in order to "analyse the practices anchored in certain traditional societies and demonstrate how these practices are beginning to spread in France and in Europe." The conference papers are available at the website of the Senate (17).

PREVENTION

There are a number of associations trying to help women threatened by violence by offering them support and an open ear, through information and support centres and helplines. These associations also run prevention programmes. They are closely connected and work together with the public authorities, so enabling them to take action.

Prevention is an indispensable element in the fight against discriminatory practices. There are many prevention initiatives most of which are led by associations.

Awareness-raising events are usually held in secondary schools in the areas where the associations are located. They often lack financial means which is why these events cannot be held all over the country. In 2009, *Planning Familial*, supported by European funds, developed a prevention programme adopted in eight administrative regions since.

Planning Familial has addressed the question of how to best take the families into account. A university student was asked to examine the issue more closely. The suggestions already made all concerned better communication and more effective prevention programmes in general.

In November 2007, the Ministry for Social Affairs, Labour and Solidarity (Ministère des Affaires Sociales, du Travail et de la Solidarité) presented its second three-year plan (2008-2010) "Mettons fin au cycle de la violence" (Let's put an end to the cycle of violence). The plan consisted of twelve goals, one of them was to make the public more aware of the issue, and another one was training people to work in this area.

In 2008, the Ministry for Solidarity and Social Cohesion (Ministère des Solidarités et de la Cohésion Sociale) launched a website(www.stop-violences-femmes.gouv.fr) for women who are victims of violence, that provides information on all forms of violence with a special emphasis on domestic violence, and an emergency hotline ([+33] 39 19). Another website (www.mariageforce.fr) focussing on forced marriages was also launched in 2008.

In addition, combating violence against women was declared a great national cause by the French Prime Minister in 2010. But the funds allocated to the associations working in this field were not sufficient for dealing with the immense problem at hand.

One important point in the recently published three-year plan (2011-2013) is prevention, meaning information for the public and appropriate training for the concerned authorities.

The government also commissioned the INED to do a study on forced marriages.

FRENCH LEGISLATION

In 1998, *Femmes contres les Intégrismes* (Women Against Fundamentalism), an association from Lyon, published a legal guide called "Madame vous avez des droits" (18). This was the first document to speak of forced marriage and repudiation and bring to light the agreements between France and the Maghreb and their discriminatory effects on women.

Since then, other guides have been published on the subject, e.g. the one published in 2006 by an association from Orléans. In 2007, there was a more detailed publication on women from the Maghreb (19).

The increasing public awareness of victims of forced marriage and especially the highly publicised number of 70 000 victims has led the Haut Conseil à l'Intégration HCI (High Council for Integration) and the Comité interministériel à l'Intégration CII (Interministerial Committee on Integration) to declare that they seek to prevent this practice concerning mainly young women from migrant backgrounds. In order to do this, the government proposed to adopt four measures.

These measures mostly concern legislation and provide for:

- An amendment of the regulations concerning the marriage celebration requiring the intended spouses to have an interview with the registrar before the wedding (Code Civil, art. 63).
- The marriageable age for males and females being set at eighteen (Code Civil, art. 144).
- A legislative proposal saying that forcing someone to marry is a criminal offense.
- Further measures to make the transcription of marriage certificates of so called mixed marriages (meaning marriages between French and foreign nationals) more difficult, the objective being to stop fake marriages, these include sham marriages, or marriages of convenience, and forced marriages.
- The formation of a working group to sever the link between marriage and the acquisition of the French nationality.

The measures proposed by the government have encouraged *Planning Familial* to draw up a document calling upon the elected representatives and emphasizing the following points:

The marriageable age of 18 for males and females is first and foremost a measure seeking to stop discrimination and to create equality within marriage.

Criminalizing forced marriage will keep many victims from breaking the silence, as they usually take all steps to avoid forced marriage without their relatives knowing and do not wish to see them punished. *Planning Familial* and the association *Voix de Femmes* were the only critical voices raised about this issue.

Finally, a special emphasis was put on the violence forced marriages are coupled with and the violation of the basic human right to choose one's own spouse and one's sexuality (20). The offense of duress was not included.

In its report for the month of April 2003, the French High Council for Integration (HCI) denounced forced marriage and advocated a number of measures to prevent it from happening. HCI suggested strengthening not only the legal basis but also prevention measures.

This was the first time that public authorities had taken forced marriages into account.

- One of the suggestions is to prevent forced marriages by introducing the same marriageable age for men and women (18 years). In the first place, such an amendment is an important step towards creating equality between men and women. But obviously it does not help victims pressured into marriage by their families even if they are technically of age.

Some families might postpone the wedding date but this does not mean that it is cancelled for good. The marriageable age of 18 neither rules out the possibility of the recognition of customary marriages in France nor anywhere else. It does not rule out marriage exemptions in France or in the parents' country of origin, either.

- Another suggestion is for public prosecutors to be authorized to file a petition of annulment of marriage when the consent to marry was obtained by fraud, duress or force. The threat of annulment should dissuade families from forcing their children into marriage and also fulfil the desire of many young women concerned wishing for an annulment of their marriage as a symbolic gesture of reparation.

Fake marriages and laws on immigration

The HCI used the debate on forced marriages to introduce the concept of fake marriages into the proposal on annulment.

The young victims are in no case seen as accomplices in a possible immigration application when their parents decide to bring a cousin from abroad. Like many others active in this field the HCI based its preventative measures against forced marriages on the laws concerning immigration and residence of foreigners.

Even though many of the imposed spouses are brought to live in France from the parents' respective countries of origin, many others already live in France or were even born there. Some spouses also live in other European countries on their own or with their families and do not wish to come and live in France.

Planning Familial has again and again demanded the dissociation between forced marriage and the issue of immigration, especially the control of migration flows.

With the young women's consent, MFPF has, like many other associations, always notified the consulate or the relevant ministry to stop the application process thus preventing the spouse from obtaining the visa or residence permit required to live in France. These procedures are certainly necessary to save young women from being forced into marriage and help them to free themselves of their husband, but they do not provide a solution for violence and conflicts within the families let alone offer real help and support. This problem remains unsolved.

The HCI also suggested that in the case of minors *the spouse should be charged with rape and the minor's father as an accomplice to rape*. The charge of rape applies in every case in which marriage is consummated without the young woman's free consent, her being minor or not. It remains debatable whether it is right to hold only the father responsible.

Furthermore, the HCI vigorously criticised the bilateral agreements (between France and the Maghreb among others) and the widely known resulting discrimination of women in France. It was suggested that the authorities should instead apply the Law of Domicile rather than the Law of Nationality. This would allow migrant women and women with a migrant background the exercise of full citizenship and prevent the incredibly complex and complicated situations that these women are put in by the agreements still in force.

Planning Familial understands forcing someone into marriage as a form of violence and as a violation of Human Rights which should be prosecuted as such in order to guarantee equality for all. Charging parents and spouses with fraud is not an appropriate response to these cases.

Marriageable age

In 2006, the marriageable age was set at 18 for males and females. This was said to be a significant impediment to forced marriage.

Obligatory interview

In order to prevent forced marriages, in France it is obligatory for the intended spouses to be interviewed by the registrar and to confirm that they both give their full and free consent to the marriage.

In the last few years, French immigration policy has become much stricter, keeping women from pressing charges instead of encouraging them. The November 2003 act on immigration control, residence and nationality has made it especially hard for women with a migrant background instead of providing legal protection for them. In order to obtain a permanent residence permit, it is necessary for the spouse living in France to already have one. A residence permit can only be issued to the immigrating husband or wife after the spouses have lived together in France for two years. For women who are victims of violence, separating from their husband would automatically mean that they could lose their residence permit. This law makes the situation worse for immigrants to France, especially for women.

The awareness-raising activities of women and immigrant support groups have led the government to change the immigration act now taking into account acts of violence.

The focal point of the July 2010 law on violence against women is on emergency protection orders (ordonnances de protection OP) that can be filed by the victim herself or by the public prosecutor with the victim's consent. OPs are issued by a family court judge.

The issue of forced marriages is included in this new law, but is not defined as an own form of violence. However forced marriages are defined in the context of violence.

The law also provides for aggravating circumstances. In these cases the perpetrators are prosecuted without consent of the forced marriage victim. This means criminalising the problem even though the young victims do not wish to press charges but only try to get help without their relatives' knowledge.

The law provides for return assistance for victims residing in France and forced into marriage abroad. A return visa is also provided for women whose residence permit was taken away.

Finally, the law provides for the judges to ban perpetrators from French territory temporarily.

Unlike the 10th July law on violence against women, the 16th June 2011 "Besson Law" (Loi Besson) on residence does not provide for the issuing of a temporary "private and family life"

residence permit for young women of age anymore who are threatened by forced marriage and therefore under an emergency protection order.

Furthermore, France is the only country where cases of female genital mutilation have led to several lawsuits. The sentence for genital mutilation is ten years in prison and a fine of € 150 000. If the victim is under 15, the prison sentence is fifteen years. If the perpetrator is a close relative, he or she will be sentenced to 20 years in prison.

The government's programme "La lutte contre les violences faites aux femmes" also applies to honour crimes.

REFUGE AND ACCOMMODATION

The young victims and social workers encounter many obstacles, firstly safe accommodation, secondly the lack of financial resources.

Providing the victims with safe accommodation is indeed a real concern of every social worker in the field. They make every effort to find a good solution but often end up having to make do with provisional arrangements.

As a matter of fact, the situations in which the victims have to leave their homes as quickly as possible require an immediate response, but the refuges are often difficult to reach and not suitable.

There are accommodation centres for people experiencing a personal crisis and also women's refuges particularly for victims of domestic violence. However, these accommodation centres do not take in girl and boys who are still in school.

These young girls and boys can live in homes for young workers until they find their own place to live. They can, however, only stay in these homes, if they can prove that they have the necessary resources at their disposal and that they know what they want to do professionally, which is not always the case.

Some schools allow for pupils to board there during the week, which may in fact answer the young peoples' needs. But they cannot stay there over the week-end and during the school holidays, so once again the question of finding safe accommodation has to be solved.

Planning Familial has been considering accommodating young victims in foster families as an alternative to the existing forms of accommodation. This type of accommodation offers the young girls some rest after the threatening and blackmailing they have received from their relatives. In addition, the girls receive social support and help with their life planning enabling them to live independent lives with a positive perspective.

With the help of its partner organisations and financial support from a number of institutions, MFPF launched the foster family initiative in June 2004.

In the Paris region, a special accommodation centre is being created.

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