



# Aktive Against Forced Marriage! Conference in Hamburg on 13 June 2007

## Documentation



Behörde für Soziales,  
Familie, Gesundheit  
und Verbraucherschutz

**"Active Against Forced Marriage!"  
Conference in Hamburg on 13 June 2007**

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## 1. Welcome

### Karin Schmalriede, Johann Daniel Lawaetz Foundation



Ladies and Gentlemen, Dear Guests,

Welcome to the conference “Active against Forced Marriage” which we - the Lawaetz Foundation - have organised in conjunction with the Department for Social Affairs, Family, Health and Consumer Protection (BSG).

I would particularly like to welcome Ms Birgit Schnieber-Jastram, the Deputy Mayor of the Free and Hanseatic City of Hamburg and State Secretary Mr Dietrich Wersich.

I would also like to extend a warm welcome to our guests and project partners from London, Vienna, The Hague, Amsterdam and Istanbul who have been here in Hamburg since Monday.

Today’s conference marks the launch of the transnational project “Active against Forced Marriage!” We will be looking at the issue of forced marriage, an issue which has attracted increasing public attention, also in Hamburg.

Without wishing to pre-empt any of today’s speakers, I would like to take this opportunity of saying a few words to you about the background to the conference. Some of you may have spotted the following logos on the front of the invitation leaflets:

#### The EU and the Daphne logo:

This project is being sponsored by the Daphne Programme of the European Commission’s General Directorate of Justice. Freedom and Security. This is a programme whose objectives are to prevent and combat violence against children, young people and women, and to protect groups at risk. This includes the protection of women and girls, but also boys and young men who are victims of either threatened or actual forced marriages.

#### The BSG Logo:

The BSG is the supporting organisation for this project, and afterwards Ms Schnieber-Jastram will have more to say on this.

### The 6 other logos:

Are from the partner organisations from the other European cities who are participating in the project, namely Vienna, Stockholm, London, The Hague and Istanbul. The Lawaetz Foundation is also a project partner.

Some of you may be surprised at the Lawaetz Foundation's involvement with this issue. Many people in Hamburg associate us more with issues relating to the labour market or local town planning but not necessarily with the issue of forced marriage.

However, this is not as surprising as it first may seem.

Since we were set up in 1986, our job has been to provide support and solutions for people, politics and regional administration faced by challenging social situations, whether it be the labour market, town planning or social policy. In the past, we have worked on a number of EU projects dealing with questions of social integration in relation to the labour market and social and integration policy.

In this context, we were commissioned by the BSG to carry out a survey on the issue of forced marriage last year. The aim of the survey was to put together an evaluation of the extent, forms and support available in Hamburg. Many of you will be familiar with the results of the survey, which have been published and which you will find in the conference documentation.

And therefore today, we are especially pleased that the project "Active against Forced Marriage!" has been selected for funding by the EU Commission.

On this note I would now like to end my brief words of welcome and hand you over to our conference chairwoman Ms Sabine Beckmann, who will be leading today's proceedings.

And finally, it only remains for me to wish everyone an interesting and informative day!

## 2. Welcoming Address

### **Birgit Schnieber-Jastram, Deputy Mayor of the Free and Hanseatic City of Hamburg**



(Check against delivery)

Ladies and Gentlemen,

On behalf of the Senate of the Free and Hanseatic City of Hamburg, allow me to welcome you to the opening conference of our project “Active Against Forced Marriage”.

In particular, I would like to extend a warm welcome to our guests from Vienna, London, The Hague, Istanbul and Stockholm. I would also like to thank the Lawaetz Foundation who actively supported us in the preparation and conception of the project and who have taken it upon themselves to organise today’s opening conference.

I am especially pleased that the European Union has decided to fund the project and today’s conference. I am also grateful that we have been able to find responsible partner organisations who will be cooperating with us in carrying out the project.

Our partners have had many years of experience in working out strategies and concepts to combat forced marriages and to provide possibilities for specific support to the victims.

Let me begin by explaining why we have decided to tackle the theme of the project “Active against Forced Marriage”.

We speak about forced marriage when at least one of the spouses - usually the woman- is put under pressure and then forced into marriage: when her refusal is ignored or she does not dare to put up any opposition because her parents or other relatives put her under considerable pressure.

A forced marriage violates the victim’s right to self-determination. It robs the victim of her human dignity, is a massive infringement of her personal freedom and violates the principle of equal rights for women and men. Thus, forced marriage is in flagrant contravention of universal human rights, the fundamental rights embedded in the German Constitution and civil and criminal law. A proven case of forced marriage is an act of coercion subject to prosecution.

Forced marriage is by no means a phenomenon that only occurs elsewhere. Unfortunately, forced marriages also take place in Hamburg.

Last year we asked the Lawaetz Foundation to carry out a survey amongst advice organisations working in Hamburg, as well as the youth welfare offices and child and youth welfare organisations on the incidences of cases concerning forced marriage.

The organisations involved in the survey reported a total of 210 cases for the year 2005, where in the course of counselling, a connection was established with a threatened forced marriage or an actual forced marriage. Given the assumption that not all victims seek counselling, we can assume that these 210 cases represent merely the tip of the iceberg. In reality, many more people are affected - exactly how many, we do not know.

95% of those seeking help were women. Of the 210 seeking help, in 169 cases it was the victims themselves - either of a threatened or actual forced marriage, who sought help in person. In the remaining cases, it was friends, siblings, relatives or teachers who sought help. From this, we can see how high the barriers are before someone can reveal that they are the victim of a forced marriage.

The amount of undetected cases is undoubtedly much higher than those documented by our survey. Thus, the extent of suffering inflicted upon the victims is also correspondingly higher.

The consequences and effects of a forced marriage on the victims can be devastating. Very often, even during the marriage negotiation there are restrictions on the victim's personal freedom as well as emotional and physical suffering. During the marriage, the victims - particularly the women - are often subjected to violence and humiliation by their partner.

That is why not only government institutions, but also each and every one of us, can not condone or tolerate forced marriages or the argument that they are expressions of cultural identity or traditions.

Ladies and gentlemen, the Senate of the Free and Hanseatic City of Hamburg will not passively accept forced marriages. Our task is, on the one hand, to prevent and intervene against forced marriages and, on the other hand, to offer victims concrete support. The Senate is committed to informing victims of their rights and to raising awareness of the problem within different professional groups - primarily amongst professionals working in youth welfare, family, education and legal services and amongst judges and public prosecutors.

With this purpose in mind, yesterday, we agreed upon an action plan to combat forced marriage. The action plan details the current quantitative and qualitative knowledge concerning forced marriage in Hamburg and brings together the activities and measures which have already been undertaken. The project "Active Against Forced Marriage" which we are launching today is part of this action plan.

Against this background, I would now like to turn to the aims of our project.

The main aim of our project is to achieve improvements in both prevention and strategies in social, integration, youth, family and equality policy. At the same time, we wish to increase our knowledge and awareness concerning the background, the extent and the forms of forced marriages and the violence which often accompanies them.

In order to achieve improvements to our strategies and action plans, we will evaluate the expert knowledge currently available and working in close cooperation with our partners from Vienna, London, the Hague, Istanbul and Stockholm exchange information on best practice and strategies. At the end of the project we will jointly draw up a list of European action guidelines to combat forced marriage. This is a challenging but rewarding task.

Similar to our conference today in the Lawaetz House, our partners will also organise conferences in their own countries focusing on the issue of forced marriage. Participants will include political and administrative representatives from the respective regions and experts on the issue of forced marriage, with the aim of having a dialogue on the theme. The knowledge gained from all of these conferences will be shared with each other and at the end of the project a final conference will be held here in Hamburg where the results will be presented.

With the help of this project we also wish to raise public awareness on the issue of forced marriage. Thus, we want to increase the awareness of those responsible for forcing their daughters and sons into marriages they do not desire of the injustice of their actions. At the same time, our project aims to encourage victims to defend themselves against being forced into marriage and to make use of counselling and support.

As I have seen from the conference programme, you can now look forward to an informative and exciting conference.

I hope you will profit from the information and be motivated by today's discussions. The project will run for two years and I look forward to what we can achieve in this time and what results we will be able to present at the final conference in Hamburg two years from now.

I wish the conference every success and to all participants and guests fruitful discussions and insights.

Thank you for your attention.



### 3. Forced Marriages In Germany: An Outline Of The Problem

**Prof. Dr. Gaby Straßburger, Catholic University For Applied Sciences Berlin**



Until two years ago, the issue of forced marriages was practically only a subject for specialists: social work professionals, social scientists and relevant NGO's specialising in the theme such as Terre des Femmes. In the spring of 2005, this suddenly changed when Hatan Sürücü, a young woman from Berlin from a Kurdish family was murdered. She had escaped from a forced marriage and subsequently became a victim of a so-called "murder committed in the name of honour".

From this time onwards, politicians across the political spectrum have become involved with the issue. In the meantime there have been a number of legislative initiatives which show that the issue is being treated as a serious problem and that forced marriage is to be seen as a gross violation of human rights and must be tackled accordingly. On a local level, district authorities have been looking for strategies to prevent forced marriages and to offer victims suitable support. "Active Against Forced Marriage" is the motto of the project here in Hamburg.

My task here today at this opening conference is to outline the issue and give you an insight into the topic. On the one hand, I have interpreted this to mean providing you with an idea of the scope of the phenomenon, and on the other hand, to point to some aspects of the issue which in my estimation can lead to misconceptions which ultimately produce counterproductive effects.

I will begin my talk by presenting some results from a study on forced marriage which was recently carried out in Hamburg. Then I will examine in more detail a central issue in tackling forced marriage: the clear distinction between forced marriages and arranged marriages. Taking the example of an arranged marriage, I will demonstrate the typical phases which take place during the marriage negotiations and which ground rules should be observed so that the decision arrived at is based on freely given consent.

I will then turn in the last part of my presentation to look at an area which I believe to be central to combating forced marriage, namely the overlap between arranged marriage and forced marriage. In this connection, I will look at different aspects which could lead to a marriage being arranged under duress.

First, let me say a few words about the distinction between an arranged marriage and a forced marriage and about the "grey zone" of transition between the two. Fundamentally, arranged marriages can be differentiated from forced marriages in that they are not subject to force but are entered into on the basis of the freely given consent of both spouses. This is the essential difference. The pivotal question differentiating an arranged marriage from a forced marriage is that of freely given consent: has the freedom to choose been interfered with or has it been freely exercised?

A similar argument has been put forward by Rahel Volz on behalf of Terre des Femmes:

"In contrast to an arranged marriage which is based on the freely given consent of both spouses, one can speak of a forced marriage when the victim feels they are being forced into a marriage. While it is true that the family also plays a central role in arranged marriages, nevertheless it is the prospective spouses who have the last word."<sup>1</sup>

Subsequently, Rahel Volz goes on to describe the "grey zone" where an arranged marriage can turn into a forced marriage. "However if tangible economic interests or family pressure play a role in the "marriage negotiations", this limits the future spouses' freedom to choose. In the parent's eyes, upholding the honour and reputation of the family often legitimates the use of violence against their own daughter. This does not always imply physical violence. Many young women reported how their families and relatives have put them under emotional pressure."(ibid,p.6).

Thus the "grey zone" of transition begins where the victim's freedom to choose is interfered with. This can range from subtle forms of influence and the stressing of particular family expectations, to emotional pressure and threatening behaviour to physical violence. From the perspective of criminal law it is up to the courts to decide whether a forced marriage has taken place based on the evidence of the individual case. But ultimately, it is only the victims themselves who can decide whether their freedom to choose has been impaired or not. If they feel themselves to have been put under pressure, it is society's task to offer them help and support to enable them to defend themselves. Equally it is society's task to support young people in their efforts to develop a free personality, so that they know what they want and can begin to defend themselves when they are forced to do something against their will.

In addition, we should not forget that the freedom of self-determination recognised in the Convention of Human Rights also includes the option for lifestyles outside of heterosexual marriage: whether it be without a partner, same-sex partnerships or other "alternative" models of cohabitation. This means that the family expectations - often expressed as a self-evident presumption -that one should get married and that marriage is a partnership between men and women, itself represents interference with the freedom of choice.

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<sup>1</sup> Volz (2003), P.6

So, having made these introductory remarks, let me now turn to the first part of my presentation.



## 1. Background, Motives and Forms of Forced Marriages in Germany

How do forced marriages arise? How often do they take place? What are the motives of those responsible for forcing young men and women into a marriage against their will? What are the cultural backgrounds of the victims? Is there a connection between forced marriage and Islam?

Questions such as these which relate to the background, motives and forms of forced marriage are hard to answer, given the lack of comprehensive studies on the issue. However in the meantime, preliminary studies do exist which shed some light on the issue. One of these was the survey commissioned in Hamburg and conducted by the Lawaetz Foundation. The study was commissioned by the Department For Social Affairs, Family, Health and Consumer Protection carrying the title “Forced Marriage In Hamburg”.<sup>2</sup>

This is a written survey supplemented by interviews with experts, conducted last year with approximately 60 Hamburg counselling services. A total of 210 counselling cases were registered reporting either a threatened or actual forced marriage.

These figures prove that the phenomenon of forced marriage is anything but unimportant in quantitative terms. In addition, it can be assumed that these 210 cases merely represent a small part of the problem, as unfortunately not all victims make their way to a counselling service. One does not know just how high the figures are for those who do not avail of counselling.

*Who are those seeking advice?*

The vast majority of those seeking advice were women (95%). Men accounted for a mere 5% of the cases, although this low percentage can also be a reflection of the counselling services which were selected, some of which only target women. In this respect, the relative proportion of men affected may indeed be much higher than 5%.

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<sup>2</sup> Johann Daniel Lawaetz Foundation (2006)

More than half of those seeking advice (54%) came from a Turkish family background. A further 16% were from Afghani and 9% from Kurdish family backgrounds. The remaining numbers of those seeking advice came from South Asia, North Africa, the Sub-Saharan region of Africa, the Former Republic of Yugoslavia and the Middle East. More than 80% of those seeking advice were Muslim, 5% were Hindu.

Approximately half of those seeking advice had already undergone a forced marriage and were looking for a way out of this situation, whereas the other half felt themselves threatened by a forced marriage and were seeking advice on how to avert the danger.

In addition, of those seeking advice, one can differentiate between those who had grown up in Germany and those who had come to Germany in the wake of a forced marriage. In most cases the counselling services dealt with people who had grown up in Germany. 53 of the cases concerned threatened or actual forced marriages to a person already living in Germany. I particularly wish to highlight these figures in relation to the discussion about forced marriages, where the main focus of the discussion has been on marriages where one of the partners lives abroad. However, forced marriages also take place between members of the population living in Germany.

#### *What are the motives behind a forced marriage?*

The most frequent reasons given were those which can be summarised under the heading "upholding family honour and maintaining traditions". 44% gave this as a reason. Here one can also include motives such as "guaranteeing an honourable life for the child" and "preventing unsuitable relationships."

A further motive which was often mentioned in the interviews was the parent's fear of losing control over their children. In this case, forced marriage seems to be an attempt to bring the children back into line. An example given was that of young male adolescents who in the eyes of their parents, had come under a bad sphere of influence and who had neither qualifications nor employment, who possibly exhibited signs of delinquent behaviour or had come into contact with drugs. By means of a forced marriage the parents had tried to give these young men a structure and purpose to their lives: "to save" the young men as was said in one interview.

According to the views of the counselling staff taking part in the survey, it is worth noting that religion appears to play only a minor role. Given that over 80% of those seeking advice were Muslim, this is an extremely instructive piece of information.

This selection of information from the Hamburg study gives us a first insight into the phenomenon of forced marriage. One question which was also investigated was the issue of the advice and support on offer. Due to pressure of time I have not dealt with this aspect, however other speakers today will go into this aspect in more detail.

### *What can be done to support the victims and to prevent forced marriages?*

At this point, I wish to concentrate on one aspect relating to prevention which was emphasised by the participants in the survey: that is the importance of not only reaching out to young people who may be potential victims but also to their families. Here is a quote from one of the interviews: "It is good that the victims receive support. However, I think that the communities or national groupings such as the Afghans in Hamburg should be asked officially from the Hamburg side to become involved."

I would like to emphasise this point. It is imperative to work hand in hand with immigrant organisations. This still happens all too rarely. More often than not, immigrants are either viewed as potential perpetrators or victims of forced marriage. They are however, the most important cooperation partners in combating forced marriages.

What are the other important points? We have to be more successful in approaching and involving those families who have a tradition of arranging marriages. We have to work together to ensure that marriages are arranged in such a way that the rules applying to freedom to choose one's partner are upheld.

And now to the next part of my presentation where I would like to leave aside for the moment the phenomenon of forced marriage and focus on the phenomenon of arranged marriage. I have done some work on this question within the context of a study on marriage behaviour amongst second generation Turkish immigrant families, which influenced the 6th Family Report Of The Federal Government.<sup>3</sup>

## **2. The distinguishing features of arranged marriages in contrast to forced marriages**

How are marriages arranged? There are a number of variants but also some central ground rules. These ground rules guarantee that a balance can be achieved between the individual's right to self-determination and family orientation and are intended to prevent the use of pressure on the potential spouse. This can be illustrated by looking at the example of Kibriye, a young woman married at the age of 18 to Kenan who is two years older.<sup>4</sup>

*Kibriye's family comes from a village in south-east Anatolia. Her father came to Germany in 1973 as a migrant worker or Gastarbeiter. Three years later Kibriye's mother and her older brothers also came to Heimbürg within the framework of the law giving immigrant family members residence permits and the right to join their families in Germany. Kibriye was born in Heimbürg in 1977. When she was 14 years old her parents received the first proposal of marriage for her while they were in Turkey. In the following years when the family were on holiday in Turkey they also received visitors who had the intention of pro-*

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<sup>3</sup> Straßburger 2000;2003.

<sup>4</sup> A more complete hermeneutical analysis of the interview is to be found in Straßburger (2003), p.132-173 & p.182-211.

posing marriage .The parents always rejected these proposals giving the excuse that Kibriye was still too young to get married.

In 1995, Kibriye came of age and was at the time working in a supermarket. One day she and her parents bumped into Mr and Mrs Kuzu, old acquaintances who they hadn't seen for some time. Mr Kuzu and Kibriye's father had got to know each other shortly after their arrival in Heimbürg. At that time, the families who came from the same district in Anatolia often visited each other. However, one year after Kibriye was born, the contact ended when the Kuzu family moved away. When they met up again in 1995, they were living in Mittelstadt, a town 50 kilometres away from Heimbürg. Their second eldest son Kenan was 20 years old and had just finished his apprenticeship as an industrial mechanic.

A few months after their chance meeting, the Kuzu family came with Kenan for a visit to Heimbürg. Shortly afterwards Kibriye's family paid a return visit. A fortnight later the Kuzu family made an official request for Kibriye's hand in marriage and from then on visited Heimbürg on a weekly basis. At the same time Kibriye and Kenan began to meet in secret.

A few months later the marriage proposal was accepted. In the meantime, negotiations had been going on between Kenan's family and Kibriye's brothers and Kibriye had given her consent. A week later the engagement was celebrated. Four months later the couple were married in a Registry Office in Turkey. The wedding celebrations took place two months later in Germany and Kibriye moved to her husband's home in Mittelstadt that same evening.

If one compares this sequence of events to those from other arranged marriages, it can be seen that different elements always occur, enabling us to draw up a description of the typical stages inherent in the lead-up to an arranged marriage. The length and form of the individual stages may vary. Different people may be involved at different stages, however usually the women's family and the men's family play complementary roles.

### Idealtypischer Phasenablauf einer arrangierten Ehe

Phasen	Verhalten der...	
	Seite des Mannes	Seite der Frau
1. Suche nach einer Partnerin	aktiv	reaktiv
2. Familiäre Vorstellungsbesuche	zunächst Besucher	zunächst Gastgeber
3. Antrag und Entscheidung	werbend	zögernd
4. Verhandlungen und Zeremonien	aktiv	aktiv
5. Feier und Zusammenziehen	aktiv	aktiv

There are four preliminary stages to an arranged marriage and the outcome is open.

This means the process can be broken off during any one of these stages and can only be continued when the potential spouses indicate their agreement.

#### *Phase 1: The search for a bride*

Arranging the partner choice begins with the man's family looking for a prospective partner. First of all, existing networks of relationships are activated. The woman's family plays a passive role in this phase. They merely answer the direct or indirect inquiries put to them which are aimed at finding out whether further commitment has any chance of success. As Kibriye's example shows- where her parents had rejected many applicants in Turkey, the main task of the young woman's parents in this phase consists of rejecting any inquiries which are seen to be irrelevant from the outset. In general, the only people allowed to pay a visit to the family are those who are being considered as potential marriage partners or those who for particular reasons cannot be immediately rejected e.g. relatives.

#### *Phase 2: Visits of introduction to the family*

If the request for a visit has not been rejected or a positive signal has been sent, then the man's family normally pays a visit to the woman's family. Such visits of introduction are not binding and are in most cases discontinued without any damaging consequences for the reputations of the participating families. Therefore, there are usually a number of meetings with quite a few potential marriage partners before, at some point, a pattern emerges and a proposal of marriage is made. In many aspects this situation is similar to that of meeting someone after placing a personal ad: at first one decides whether one wants to get to know each other a bit better, before one can begin to envisage marriage - under the right circumstances. However, there is one decisive difference between the two forms: In this phase of an arranged marriage the potential spouses do not speak directly to each other, but let others do the talking for them.

In her interview, Kibriye went into lot of detail about her first meeting with Kenan and his family and the analysis of the interview shows that the atmosphere during family visits in connection with negotiating a marriage is quite formal and reserved. There are similarities to diplomatic negotiations. The main participants in the verbal interaction were not Kibriye and Kenan, the potential marriage candidates, but rather their parents. In addition it is also striking that no one spoke openly about the subject of marriage. Instead, people behaved as if a normal courtesy visit was being paid. Later in the interview, Kibriye laughed when she reported that the real purpose of the visit was, of course, clear to everyone concerned. Her mother had already had her suspicions and Kibriye expressed them as follows "She said: why are they suddenly coming to visit us now?"

Kibriye is convinced that, from the beginning, her parents noticed that she thought Kenan was nice and that she was not averse to the idea of marrying him. It is true

that she was first explicitly asked if she would like to marry Kenan at a later point in time -namely several weeks after the official marriage proposal had been placed. Also, for reasons of modesty she refrained from expressing any verbal opinion to her parents, however on the non-verbal level she clearly showed that she liked Kenan and was interested in marrying him. Her way of behaving which involved subtly sending out signals meant that she was always involved in the family's decision, even though she only explicitly expressed her opinion at a relatively late stage.

### *Phase 3: The marriage proposal and making a decision*

After the proposal of marriage has been made a phase begins where the woman's family take their time to discuss the proposal internally and to make some inquiries. If a marriage proposal has been made the ground rules of an arranged marriage dictate that initially, the only indication given is that the proposal has been listened to. The answer itself is put off to a later date. Now the decisive activities take place within the woman's family. Basically, they have the upper hand. If they behave in a reserved and critical manner, they strengthen the reputation of their household and also the social standing of the bride. They also make inquiries about the economic standing and reputation of the household into which their daughter is to be married and interview the bridegroom. In Kibriye's case her brother met with Kenan face to face. In addition, he insisted on meeting Kenan's friends. During this trial period, the family members act in the bride's interests and through their research and weighing up of the pros and cons of the marriage they increase the chances that the marriage will ultimately be a happy and stable one.

In this time which has been won due to the adjournment of the decision, the young woman can meet with her potential spouse to talk with him and thus check if he matches up to her initial expectations. At such meetings, clarification is reached on the kind of relationship both partners have in mind, e.g. with respect to whether the woman should work or not, setting up of the household, founding a family, living with the parents-in-law, how leisure-time will be spent etc. These meetings can take place in addition to the official occasions which have been arranged for this purpose, whereby the couple will mostly be accompanied by chaperones or observed from a distance. In addition, the potential partners also often meet in secret to find out if they are a good match for each other. Both the official chaperoned "supervised meetings" as well as the meetings in secret leave open the possibility of backing out without any consequent loss of honour, should the feeling be that the partners are not a good match for each other after all.

### *Phase 4: Marriage negotiations and wedding ceremonies.*

Once the woman's family has finally agreed, the negotiations concerning the marriage and wedding ceremonies begin. Both sides are equally involved in the negotiations. During this negotiating phase the marriage arrangement can break down if there is no agreement reached on the financial contributions which the families make to the dowry, the wedding celebrations or furnishing the household. Ultimately the weight attached to such questions depends on how strongly both marriage partners

are interested in the marriage. If they have any doubts, then real or provoked disagreements during the marriage negotiations can provide a legitimate reason to break off the process at this stage.

When we look at the course of events in this phase, we can see that during the preliminary stages in an arranged marriage it is important to keep the decision open as long as possible until it becomes clear whether the marriage is desirable or not - and then if necessary, the proceedings can be broken off. All of the women and men who I interviewed told of numerous attempts at marriage negotiations, which, eventually came to nothing. Many inquiries as to whether it would be worth visiting a family who had a daughter in a marriageable age are rejected beforehand. Also the visits of introductions to the family which take place are relatively non-committal and in most cases are discontinued without any damage to the family's reputation. Ultimately the existence of numerous attempts at negotiating a marriage which are not pursued indicates - contrary to the normal assumptions - that arranged marriages are not necessarily entered into on the basis of a limited choice of options and that there are always opportunities to break off the process.

#### *The communicative setting in arranging a marriage*

As Kibriye's marriage shows, the decision to choose a partner in a typical arranged marriage is embedded in the family context on a number of levels. But it is by no means dependent on this. The decisive factor for a decision based on the free-will of the participants, supported by third parties is, in the end, the individual wishes of the couple who are to be married.

The external sequence of events which precede the marriage and the direct communication during the marriage negotiations may give the initial impression that Kibriye would only have been able to give her veto at the very last moment. However, because of the subtle forms of communication at play and the fact that acceptance or rejection can be indicated non-verbally, Kibriye could actively take part in making the decision and continually influence the decision - making process without appearing to be an active participant. As long as all those involved can master the ground rules and are prepared to receive the subtle signals which are transmitted, it is not necessary to become more explicit.

In general, the bride's parents are expected to postpone the final decision in order to open up the possibilities for the potential spouses to get to know each other, and to be able to reach a decision. Furthermore, the use of delaying tactics by the bride's parents sends out the signal that their daughter means a lot to them and that she can only be married when the groom's family can offer correspondingly favourable terms. A further responsibility of the bride's family is to examine whether the marriage candidate would be an acceptable spouse, able to take on responsibility for a family and with no bad habits. This is also an important reason for keeping up a certain reserve, as one would be acting against the daughter's interests if one were to signal agreement with the marriage at too early a stage.

As the analyses of arranged marriages show, family interests do not stand above individual interests. Rather, it is about finding a balance between self-determination and family orientation and keeping the decision open until it is clear whether the marriage candidates desire to get married- and if they do not, to break off the negotiations. In contrast, the distinguishing feature of a forced marriage as opposed to an arranged marriage is that this basic principle is flouted. And here we come to the third part of my presentation which deals with the grey zone between arranged and forced marriages.

### **3. The grey zone between arranged and forced marriages**

I wish to limit myself to pointing out two aspects which can contribute to pressure being exerted during the marriage negotiations.

#### *The potential for abuse of subtle forms of communication*

So far I have described the advantages of the subtle and diplomatic forms of communication connected with arranged marriages. Now I would like to look at possible disadvantages which could lead to a situation where, under the guise of an arranged marriage, young women and men could be pressurised against their will into a forced marriage.

The potential for abuse of subtle forms of communication lies in the fact that the participants depend on the others preparedness to understand the signals and that they will not go any further when refusal is signalled. Otherwise, the person whose signal is not noted is forced to break a taboo and must state their refusal explicitly. For this reason, some women (but also some men), find it hard to defend themselves against subtle forms of pressure. However, the cause is not to be found in the system of arranged marriage per se, but rather in the fact that in these cases the intra-family power relationships are such that one bows down to pressure and does not put up a fight.

Resisting pressure from one's family can seem a particularly risky option for some, because outsiders are involved in the process and thus the family's reputation is at stake. As I have described, the relatives of the marriage candidates are responsible for slowing down the pace of the process so as not to narrow down their scope of action. However, should they - intentionally or non-intentionally - take steps which cannot be rescinded without creating a problem, a pressure to conform arises. This can lead to a situation where a young woman or man tends to submit to an undesirable marriage rather than risk damage to their family's reputation.

#### *Time pressure within transnational marriages*

A further aspect which can impair the freedom to choose is time pressure. This happens especially in the case of transnational marriages entered into with partners who

live in the home country - where often there is little time available. If these marriages are arranged - which is by no means always the case, as many organise their own marriages - the different stages take place mostly within the annual holiday period. Given this time constraint the danger of young women or men "letting themselves be caught unawares" is higher than in cases where both partners live in Germany. This risk should be taken into account when considering prevention and support.

At the same time one should take care not to condemn all transnational marriages, and to oppose calls for legislation which would curb the right to live with one's spouse. I see no reason to raise the age at which a spouse can join their partner to 21 as such legislation would clearly limit the possibilities of young people's development. In this respect one should bear in mind a nationwide survey carried out amongst 15-21 year olds and commissioned by the Federal Ministry For Family Affairs. This study shows that at least 46% of young women from a Turkish background who live in Germany answered that they probably would marry a man from Turkey.<sup>5</sup> To prevent them from having the right to live together with their husband until he is 21 seems to me to be totally unreasonable.

Apart from the communicative setting and the possible time pressure involved in transnational marriages there are of course numerous other factors which could lead to young women and men being pressurised into an undesirable marriage even when there is no direct force involved. However, these factors cannot be considered as causally related to the system of arranged marriages. On the contrary: whoever forces a young woman or man into marriage is acting against the ground rules prevailing in an arranged marriage. He or she abuses the system of the arranged marriage. Therefore, measures to prevent forced marriages should include helping young women and men to becoming aware of violations of these rules and to successfully fight against them.

#### **4. Conclusions**

There can be no question that many marriage negotiations take place in "the grey zone" or overlap between arranging and forcing a marriage. In these cases it is not easy to decide whether a forced marriage has actually taken place and whether criminal proceedings should be initiated. The decision must be made on a case by case basis, as there are no generally applicable indicators as on a checklist. It is left to the courts to deal with this difficult task.

For schools, advice centres, refuges and other institutions who have the welfare of young people in mind, the area in which they can or must begin to be active in a preventative or interventionist manner does not begin with the existence of a forced marriage. Their activity should target the "grey zone of transition". Their work begins where the victim's freedom to choose is interfered with. Such interference does not

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<sup>5</sup> see Boos-Nünning/Karakas, og lu(2005) P.252 and further Straßburger (2007). For the background to transnational marriages see also Straßburger (2001)

have to be the result of direct physical or emotional pressure, it can also consist of subtle attempts at influence or the parents insistence on the fulfilment of their expectations concerning the partner choice.

It is the task of our society to support young people in the free development of their personality and this also involves the freedom to choose a partner. Their self-confidence has to be strengthened so that they have the possibility to successfully defend themselves against pressure exerted by the family either during the marriage negotiations or in other areas of their life.

At the same time, it is important not to go too far and suspect every arranged marriage of being a forced marriage. Otherwise this could lead to the danger that prevention will not be accepted by a large proportion of the immigrant communities and is perceived as discriminatory.<sup>6</sup> If preventative measures against forced marriages are to succeed it is imperative to put forward a more differentiated viewpoint than that of mainstream discourse which places arranged and forced marriages on the same footing. Arranged marriages negotiated according to the ground rules described today should be treated with respect.

**Our major concern should be to prevent such marriages taking place under duress. It should not be about preventing marriages which are conducted in a different manner to the marriages we ourselves would wish for. As long as arranged marriages are based on the free will of both partners, they should be accepted as an equally valuable form of partner choice.**

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<sup>6</sup> see Straßburger 2005

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## 4. Active against Forced Marriage - The Federal Action Plan

### Dr. Angela Icken, Federal Government Ministry For Family Affairs, Senior Citizens, Women and Youth



Combating forced marriages is one of the central measures of the Federal Government in this legislative period with regard to equal rights policy and integration policy. Forced marriage is a violation of human rights which must be purposefully combated - with all the resources at our disposal and at all political levels. In the coalition agreement which sets out the programme of the Federal Government for the current 16th Legislative Period, stress is laid on the prevention of forced marriages and on all suitable instruments which could be considered to fulfil this objective.

I will take a look at the issue and the measures carried out by the Federal Government from the point of view of the 4 following levels:

- the national, legislative level
- the international level
- the integration summit meeting level
- the research and project level.

Let me begin by presenting two definitions of the concept which elucidate my approach to the issue:

Within the Federal Government the term “Zwangsverheiratung”, (roughly corresponding in English to “being forcibly married”) and not “Zwangsheirat” or “Zwangsehe”( which correspond in English to “Forced Marriage”) is generally used to underline the passive character of this form of marriage.

The definition of forced marriage I wish to present is as follows:

“One can speak of a forced marriage when the arranging of a marriage resulting in a formal or informal marriage tie is brought about by the use of power or violence

against at least one of both marriage candidates. Power and violence are closely connected, because power is to be viewed as a means of pressure that can only manage without violence so long as the mere possibility of violence occurring is sufficient to enforce one's will - also in the face of opposition."<sup>7</sup>

### **Types of forced marriage**

Forced marriages in Germany are grouped into different types. One usually differentiates between four different groups.

1. "Abduction" also known as "Holiday Marriage" characterises the situation where a young woman or man is brought to their family's country of origin is married against their will and forced to live there.
2. "Marriage Import" where mostly young women but also young men from the country of origin are married in that country and then travel to Germany within the framework of the law allowing foreign spouses to join their family.
3. In cases of a "Marriage To Obtain Immigration Ticket", a marriage is carried out by force to enable the spouse to enter Germany and receive a right of residence.
4. In addition, it is reported that forced marriages take place between spouses living in Germany mostly to others from within their own community.

### **Forced Marriage in Germany**

In July 2007 the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will present the first German practical evaluation on the issue of forced marriages. The objectives of the practical evaluation were, to identify the risk factors connected with a forced marriage and to list starting points for intervention and prevention. The study is based on a quantitative evaluation of data from 331 young women and an additional qualitative biographical analysis of 100 young women who were victims of forced marriage and who were taken care of by the crisis centre Papatya in Berlin.

The basis for the evaluation was the handwritten personal life histories of the girls and young women where they looked back on the burden of events. In some cases the short biographies were translated by the crisis centre staff into German. The results of the analyses were validated and supplemented by nationwide telephone interviews with 10 experts active on this issue.

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<sup>7</sup> Strobl, Dr. Rainer, Lobermeier, Fr. Olaf: Forced Marriages and Starting Points for Intervention , unpublished manuscript, Bonn 2007

The results, which I will briefly outline for you, have to be treated with some caution, as the biographies deal with young women who have broken out of a marriage and have found refuge and support. Women who have stayed in a marriage are not included in the results.

One result which can be emphasised is that forced marriage mainly coincides with a traditional patriarchal understanding of marriage. The main reason for a forced marriage is often a traditional understanding of marriage and family and the fear of a loss of honour. The loss of honour of a family member - e.g. because a daughter has a boyfriend or even runs away from home - results in a loss of honour for the whole family, according to the views held by the perpetrators.

But also the opening up of possibilities to emigrate or financial difficulties within the family can also be catalysts. Also, the parent's desire to protect their children from the downside of modern society or to bring their children back onto the right path can also be catalysts.

In many families where forced marriage occurs, violence plays a major role. Physical violence, threats and reprisals, deception and moral blackmail are used as strategies by fathers and brothers, but also by mothers, to force a marriage to take place. Apart from the problems arising from their situation as immigrants, these families are often burdened with other problems, e.g.- unemployment or alcoholism. Exercising control over their daughters and upholding traditional concepts of honour serve socially disadvantaged fathers to wield power over their daughters and thus strengthen their position within the family.

Primarily, the victims receive active support from classmates, teachers and professional advice workers, it is rare for family members to be active. Therefore, providing external professional help is extremely important in order to reach the victims. This support should be "low-threshold" or easily accessible to assuage the victim's fears and provided early on, e.g in schools.

This practical evaluation is an important measure concerning the issue of forced marriage. Based on this, it is planned to commission an extensive quantitative and qualitative study. The evaluation, however, also outlines the background to the measures of the Federal Government.

### **Measures at the national, legislative level**

In recent years it has been discussed whether current legislation takes into account the specific situation of immigrant women in our society and their particular problems. Such discussions have often been triggered by reports in the media concerning tragic cases of violence. They have led to a wider public awareness that within the context of the general problem of intra-family violence existing against women in our society, female immigrants are subject to specific and massive forms of violence and duress.

A variety of legislative measures have and are being discussed in Parliament. Since February 2005, forced marriage is recognised as a particularly serious form of coercion and is a punishable offence which carries sentences from between 6 months up to 5 years.

The coalition agreement also includes the question of examining whether it would make sense to introduce a new law making forced marriage a specific criminal offence. This measure has been subject to controversial discussion amongst legal experts as well as within the immigrant communities. Those in favour refer to the expected signal and sensitisation effects in particular with regard to local authorities and the legal system. The opponents and sceptics refer to the potential effect of stigmatisation ensuing from a discussion which is one-sided and fixated on criminal law. And also to the danger that one could lose sight of further legal and immigration-law aspects of the problem and the need for preventative and support measures. In addition, there would be possibilities of circumventing such a law e.g. through marriage by an Imam which does not constitute a criminal offence.

Thus we can establish that creating a specific criminal offence does not solve the actual problems faced by the victims and cannot be seen as a substitute for prevention and crisis intervention which is needed.

Currently, draft legislation of the Federal Council has been published to combat forced marriage and to improve the protection of the victims of forced marriages (Combating Forced Marriages Law) 8BT-Drs. 16/1035). In particular the draft contains provisions constituting forced marriage as a specific criminal offence and some amendments to civil law such as extending the period within which a marriage can be annulled in the case of forced marriage.

Within the framework of discussions concerning the draft of a second amendment to the law on immigration (Draft Law to Implement the European Union Guidelines pertaining to Right of Residence and Right to Asylum), which primarily aims to implement European asylum and immigration guidelines, those amendments relating to the prevention of forced marriages have been the subject of contentious dispute between the Ministerial Departments and within Parliament itself.

The draft contains the following proposals which are meant to contribute to the prevention of forced marriages:

- Increasing the age at which spouses can join their spouse in Germany to 18 years of age;
- Necessity of knowledge of German before entering the country, within the framework of the law permitting spouses to join their family;
- Refusal of permission to follow one's family to Germany should there be grounds of suspecting a forced marriage;

- Coercion into marriage should be a grounds for discretionary expulsion from Germany.

Also under discussion is a right for persons who have been abducted abroad to return to Germany. In contrast to the preventative measures contained in the draft legislation which pertain only to those victims of forced marriage, who, within the framework of the right to join their family in Germany wish to enter Germany, a right to return to Germany protects victims who have been abducted abroad. In view of the fact that forced marriage represents a serious violation of human rights this means besides legislation aimed at prevention, the victims are also offered effective protection.

### **International Activities**

At the beginning of 2007, the Commission on Women's Rights in New York dealt in detail with the issues of forced marriage and early marriage and issued a resolution on the theme. Against the background of Germany's role as President of the European Council, Germany played a crucial role in the discussions.

The resolution called upon states to implement legislation raising the minimum age of consent to a marriage, to register births and marriages, and to improve access to education for married and unmarried girls. National strategies to tackle forced marriages should be developed and the issue be incorporated into health education and employment programmes.

On the 15 and 16 May 2007, Federal Minister Mrs. von der Leyen hosted an informal meeting of Equality and Family Ministers in Bad Pyrmont, which was attended by 17 Family and Equality Ministers. The rest of the countries attending were mostly represented by officials at the level of State Secretary. One of the four modules on the agenda dealt with women and girls from immigrant communities and here, inevitably, the issue of forced marriage played a role in the discussion. It became clear that in most countries, particularly the western EU countries, there is an awareness of the theme and that it is being taken seriously. However, it was also evident that the exchange of information across national borders must be intensified. Perhaps this Daphne project will provide us with such an opportunity.

In BMFSFJ we are attempting to intensify cooperation with NGO's and government bodies in the countries where the young women and girl victims of forced marriages originate from. The cooperation ranges from talks at departmental level between the Turkish and German Ministries for Equality, reciprocal participation in conferences on the theme, to funding translations of Turkish project reports into German. (Project Early Marriages and the Burdens of Forced Marriage: Awareness Raising Project in Central Anatolia-Turkey). We hope, in this way to expand our knowledge but it is also an attempt to support educational work, particularly in the country where "marriage immigrants" originate from. In my view this is a major opportunity, however it does entail a long-term process and as such these activities are not on the current political agenda.

## **At the level of the Integration Summit**

All the working groups who collaborated on drawing up a national integration plan which the Federal Chancellor is to present on the 12 July, were asked to include an examination of the interests of women immigrants under consideration of gender-specific aspects in their main points. Additionally, the 4th working group had as the responsibility of discussing further aspects of the theme "Improving the living situation of women and girls, and implementing equality."

In my opinion, one of the major successes of the integration summit process lies in the fact that e.g. public authorities and German organisations have started discussions with women immigrants and immigrant organisations, have listened to their experiences, viewpoints and ways of working and have entered into a discussion process. As a result, understanding has increased on both sides.

Due to the restricted mandate of working group 4, discussion on questions relating to the rights of immigrants was excluded to a large degree. This was regretted by many in working group 4 and was repeatedly criticised from within the ranks of the NGO participants.

Domestic violence and forced marriage affect immigrants in special ways. Those who are particularly affected are the women and girls who find themselves at the beginning of the integration process, but also those immigrants whose attitudes and way of life do not correspond to their family's and community's expectations which are based on the culture and customs in the country of origin.

Within working group 4, fears were expressed that the public debate about forced marriage could particularly work against the integration of immigrants with a Muslim background, on the grounds that the considerable information deficit existing in the majority of society had led to a "general suspicion" against marriages between Muslims. It was unanimously agreed that particularly in this field, precision is necessary: traditional patriarchal family structures are commonly connected with religion - and concretely with Islam. However, forced marriages by no means only occur in Muslim families.

Information and education is indispensable. Besides governmental initiated or supported information campaigns, education has also to be organised by the immigrant organisations themselves. In particular, men with an immigrant background are more easily reached by such organisations than through campaigns organised by the authorities or state.

One problem for immigrants subjected to violence who have an increased need of protection and for whom the standard support and safety offered by women's refuges is insufficient, is the lack of suitable refuges in the different German Federal States. Also lacking are inter-regional refuges as well as funding for the facilities which already exist. The common system of funding which is based on funding per head (daily rates for individual cases) often involves a time-consuming application procedure. Also, there is often confusion as to the jurisdiction and responsibilities of the

relevant local authority which can lead to problems. Another difficulty concerns young adult victims as the youth departments do not necessarily feel obliged to support them, however, it is difficult to receive funding for them from other sources.

With regard to the care of children and adolescents one problem has proven to be that ,in principle, application for support has to be made by the parents. Another problem affects those immigrants with an uncertain immigration status, particular difficulties arise because of the system of individual case funding or the necessity of having resident's status.

A quantitative and qualitative improvement of service provision is particularly needed in the area of open accessibility to services as well as outreach counselling strategies involving interpreters.

Apart from opening up mainstream services to inter-cultural issues and cooperation between women's support services, advice centres for immigrants and mainstream services, culturally sensitive counselling services are especially necessary. Services specifically designed for immigrant women at the time of entry to the country could ensure that information, for example, on women's rights could be directly conveyed to this target-group.

Prevention facilities such as girl's clubs should also be supported or set up, guaranteeing provision of consistent youth work which is accessible, open and preventative. Participants also proposed that the immigration authorities should develop a stronger awareness of their responsibilities in relation to integration.

Basic conditions guaranteeing effective protection must exist for those immigrants who have already become victims.

Effective protection requires all offices which are professionally involved, especially local authorities, the police and the judiciary to be aware of the problems of the situation particularly regarding safety and that they consider these when taking measures. Regarding further training and provision of training to promote cultural sensitivity e.g. for judges and lawyers, particular attention should be given to training at regional level in the Federal States.

Effective protection also means that victims of domestic violence and forced marriage who have found shelter in a refuge and who have to be concealed (legally made invisible) from their families are especially dependent on strict adherence to data protection laws - by e.g. health insurance, job centres and registry offices. In general, it is necessary when implementing existing laws that the professional groups directly involved possess sufficient knowledge and know how to handle the special problems faced by immigrants. For instance, when the police intervene in cases of domestic violence impartial translators should be employed. In some cases evicting the man from the family home may not always be the best option, rather it is often better to accommodate the victim in a women's refuge.

Finally, victims of violence and forced marriage need safe refuges. An inter- regional network of emergency facilities is to be recommended - given that women often have to be concealed far away from their normal place of residence.

### **The research and project level**

The Federal Government is examining all possibilities to effectively prevent forced marriages. The pre-requisites for this are reliable qualitative and quantitative analyses of actual events which are currently practically non-existent. There are no valid figures on incidences of forced marriages in Germany.

In order to improve the data and scientific research into the issue, the BMFSFL has commissioned a study to evaluate ongoing practical work in the field of forced marriage.

In addition a reader will be published in July 2007 in cooperation with the German Institute for Human Rights on the issue. It contains intermediate results from the evaluation of practice and reports from authors who have been working on the issue of forced marriage. These reports will deal with e.g. the phenomenon and causes of forced marriages, aspects of the gender dimension, legal frameworks and possibilities for prevention and intervention.

The Federal Ministry For Family Affairs, Senior Citizens, Women and Youth is sponsoring an on-line advice project run by the Berlin crisis centre Papatya for a period of three years. Papatya is a crisis centre for young immigrant women who are victims of forced marriage and domestic violence. It has been in existence for 20 years and possesses a high-level of expertise in counselling and supporting victims. During the start-up phase the on-line counselling service was publicised in Berlin. The service has shown that on-line counselling which is anonymous and openly accessible can reach those target groups who have been difficult to approach. Apart from Berlin, the project also entails setting up on-line counselling in Hanover and Stuttgart. Besides the victims, the service is also targeted at private supporters (friends, relatives), professionals as well as multipliers (teachers). The aim of the project is to provide counselling to the target groups, to network with other support services, and besides on-line counselling to also offer telephone counselling and set up a chat room.

In addition, the Ministry is supporting numerous projects which serve to strengthen or "empower" immigrants and promote their equal participation in society. We are supporting these projects out of a conviction that the focus of public debate concerning integration has to be shifted from a viewpoint which concentrates on the deficits regarding immigrants - also to be seen in the debate concerning forced marriages - towards a viewpoint which focusses on the capabilities of immigrants in order to promote integration. Immigrants who are empowered can also defend themselves against being forced into marriage and bring up their sons and daughters to oppose forced marriages.

In addition, the Federal Ministry For Family Affairs, Senior Citizens, Women and Youth is currently in charge of drawing up the Federal Government's 2nd Action Plan to combat violence against women, whose main theme is combating violence against women and girls from an immigrant background and which includes measures against forced marriage.

I would like to conclude with three aspects which I believe to be very important:

- Men can also be victims of a forced marriage where the family uses forced marriage as a educative measure. Lesbians and gays can also be victims where the parents impose a heterosexual way of life on their children by means of forced marriage.
- A clear distinction has to be made between forced marriages and arranged marriages.
- Focussing on the issue of forced marriage (particularly the public debate) should not detract from the problems which exist particularly for migrant women with regards to their integration in education, the labour market, and their participation in society and politics.
- The victims are women who come from different ethnic backgrounds and different immigration backgrounds.



## 5. Hamburg's Action Plan To Tackle Forced Marriage

### Uwe Riez, Department for Social Affairs, Family, Health and Consumer Protection



Ladies and Gentlemen,

Yesterday the Hamburg Senate passed its first action plan dealing with the issue of forced marriage. Mayor Mrs Schnieber-Jastram subsequently presented the programme at the state press conference. Today's media coverage details some of the items contained in the action plan. The timing of the resolution was not accidental. It was our firm intention to establish a link to today's conference. The resolution passed yesterday by the Senate was an internal prelude to the two-year project against forced marriage.

I would now like to bring you up-to-date on the contents of our plan.

First of all, we clarified the issue of what we understand by the term forced marriage. We can speak of a forced marriage when at least one of the spouses is put under pressure and forced into a marriage, when her or his refusal to the marriage is not listened to, or she or he does not dare to oppose such a marriage because the parents or other relatives exercise considerable pressure.

Having said this, we can identify a variety of situations in which forced marriages can arise:

#### First Variant:

A female and male immigrant both of whom live in Germany are forced by their respective families to marry.

#### Second Variant:

Male immigrants living in Germany marry girls or young women from their home country (so called imported brides), who then are able to travel to Germany within the framework of the law allowing foreign spouses to join their spouses in Germany.

#### Third Variant:

Often trivialised under the name of holiday marriage. This concerns young girls living in Germany who are taken to their parent's home country where they get engaged or married, without receiving any prior warning. The girls and young women then have

to remain abroad against their will. This variant is better referred to as abduction.

#### Fourth Variant:

A woman who has a secure residence status in Germany is promised to a compatriot living abroad, without her knowledge. In this case marriage is a means to secure legal entry for the man within the framework of the law allowing foreign spouses to join their spouses in Germany.

These are the phenomena which we wish to tackle.

We then asked to what degree are people living in Hamburg subject to such practices. Let me say straight off: We still do not have exact figures; however we have an idea of the dimensions of the problem.

On our behalf, the Lawaetz Foundation conducted a survey amongst the counselling and refuge facilities, youth authorities and independent youth shelters in Hamburg. The aim of the survey was to collect data on the number of people in Hamburg affected by forced marriage who had approached counselling and refuge facilities for help in the year 2005.

Whilst this is not exactly representative of the real number of threatened or actual forced marriages in Hamburg or the circumstances surrounding them, by collecting and presenting the available information from the service providers taking part in the survey, we have succeeded in gaining a pragmatic look into the real dimensions of the problem.

Besides the purely quantitative documenting of counselling cases, we also asked those institutions which were surveyed about the possible causes of forced marriages. In addition, focus was placed on the concrete practical counselling and support offered by the various service providers participating in the survey. A total of 84 institutions were sent questionnaires, out of these, 59 were completed and sent back to the Lawaetz Foundation.

The questionnaires show that for the year 2005, 210 counselling cases were reported involving a threatened or actual forced marriage. Of the 210 people seeking advice, 169 were themselves victims of either a threatened or actual forced marriage. The remainder of those seeking advice were friends, sisters, relatives or teachers of the victims.

#### *A brief evaluation of the quantitative results*

One can safely assume that not all victims of a threatened or actual forced marriage seek counselling. In this respect, in addition to the 210 reported counselling cases there are many more unreported cases which we estimate to be much higher than the figures documented by the survey.

However whether there are only a few or many victims of forced marriage is not the issue. In either case it remains a serious violation of human rights which must be tackled.

From a qualitative point of view the survey provided us with the following relevant information concerning the group of victims.

- The majority of those seeking help (81%) were adults, 14% were between 16 - 17 years of age and 5% were 15 years of age or younger.
- Of those who received counselling from the service providers participating in the survey, 50% were of Turkish origin, 16% of Afghani origin and 9% of Kurdish origin. The remaining 25% of the cases came from South Asia, North Africa, the Former Republic of Yugoslavia and the Middle East.
- 80% of the cases were reported as belonging to the Muslim religion, 5% Hindu and 1% Christian.
- With regards to the marital status of those seeking help, almost half were single, whereas 52% were already married or were at various stages of separation.

Concerning the circumstances surrounding forced marriages the following combination of factors have emerged.

**First:** Extensive use of violence is exercised.

According to the estimates of the service providers participating in the survey, some of those seeking help experienced different forms of violence within the context of forced marriage: emotional violence such as humiliation, insults, threats played the major role, followed by physical violence e.g. beatings or other physical abuse such as deprivation of personal liberty (being locked up or kidnapped etc.)

**Second:** An underlying background of archaic family interests.

We asked the counselling centres what they thought to be the context and motivation for forced marriages. In most of the known cases it is the victim's parents who take the initiative, mostly the parents of the potential bride. The following factors were often mentioned to explain the parent's motivation:

- Ensuring an honourable way of life for their children, and exercising control - especially over their daughters;
- Fear of their children developing a too-westernised lifestyle; this involves prevention of unsuitable relationships;
- The desire to ensure (economic) provision for their own children by means of a marriage between relatives;
- Fulfilment of family obligations, i.e. pre-existing agreements between families;
- Upholding the traditional role of the sexes;
- Securing immigration to Germany and resident's status.

According to those surveyed, religious motivation plays only a minor role.

**Third:** In Hamburg all of these different forms of forced marriage occur.

The interviewees reported that they had encountered all forms of forced marriage. Marriage in Germany, marriage to imported brides from the home country and holiday marriages were most often mentioned. Marriage to obtain legal immigration status was only mentioned in fourth place.

**Fourth:** The victims experience forced marriage as an injustice.

This awareness comes out most strongly amongst those women who grew up in Germany and who belong to second and third generation immigrant families. In addition, this group is aware of their legal rights. At the same time they have scruples about making use of their legal rights or counselling. In this context, feelings of guilt towards their family fear of violence and sanctions from the family or expulsion from the family group are at the forefront of their concern.

It is against this backdrop that our approaches should be seen. We are basically pursuing two parallel approaches, namely

- combating forced marriages by means of prevention and
- helping the victims by means of intervention.

The Senate's action plan contains measures which reflect both approaches. At this point I will omit any references to approaches connected to Federal Legislation, as we have just heard a speech concerning the strategies at the Federal level. We may come back to this aspect later during the discussions.

With regards to prevention we are working on the assumption that the best protection against forced marriage is to be achieved through the successful integration of immigrants. In this respect, without going into too much detail due to time constraints today, I would refer you to the action plan of the Senate,. However, of particular importance is the necessity of obtaining adequate knowledge of the German language and a good school education or professional training. We are convinced: that on this basis, women who are able to build up an independent economic existence and are employed are better protected against the subtle mechanisms underlying forced marriages.

Also comprehensive information and publicity campaigns help prevent forced marriages. In this connection I would like to point out that according to the results of our survey, forced marriage already plays a role within the 14 - 15 age group. If we add their number to the figures from the 16-17 age group this accounts for 18% of those seeking help. Therefore we have to tackle the issue early on.

This entails reaching out to children and adolescents at a phase in their lives in which their ideas about partnership and the roles of the sexes are being formed. In this respect, apart from schools, demands are placed on open child and youth work, and youth social workers to include the issue of forced marriage in their information and counselling service. This is exactly what is envisaged in our action plan.

Besides this, we also want to involve the religious communities in prevention to combat forced marriages. Representatives of the religious communities are, for the most part, recognised by the families affected, as authorities on cultural problems. As a result they could offer out-reach counselling and support and possibly also exercise some influence on the decisions of the family members. In this respect we want to utilise the possibilities provided by the inter-religious and inter-cultural dialogue envisaged in the integration action plan. An advantage of utilising this framework for discussions is that it provides a wider than normal forum to discuss ethnic-cultural problems. Also awareness should be raised within the religious communities themselves with respect to the need to provide support in the efforts to combat forced marriage and to educate the respective members of their communities.

In the area of intervention we wish to build on the existing services and facilities. The approach to action consists of qualitatively developing existing services and where necessary expanding them. Our objective is to systematically make forced marriage an issue to be tackled by every relevant support and counselling service.

In particular this means:

- ▶ We continue with measures which have proven successful in order to give victims early and sustained support - in particular:
  - Psychosocial counselling, strengthening the character of victims with the aim of developing an independent way of life.
  - Accommodating victims in women's refuges or in children's and youth shelters whose location is anonymous in cooperation with the responsible institutions;
  - Information concerning legal, medical and financial possibilities;
  - Discussions with the parents and the (potential) spouses;
  - Arranging attendance at language courses.

On the whole the service providers involved in the issue work together in well-functioning networks; we wish to support them.

- ▶ Starting this year we will support inter-cultural counselling for immigrants who are victims of domestic violence and forced marriage. The counselling offices will inform the victims of their legal possibilities and, if need be, refer them on to lawyers. This service has been established in two integration centres in Hamburg since 15 May. This link to existing institutions provides the possibility of out-reach services which are accessible. Here we are building on the existing

contacts the target group already has with such centres; for example, the victims or their friends have often participated in language courses and general counselling for immigrants in these centres.

We also expect the supporting organisations to organise discussion evenings on domestic violence and forced marriage for a wider public. The aim of such events is, on the one hand, to inform the victims about the legal possibilities, and on the other hand, to raise awareness concerning the injustice of forced marriage, and to show possibilities for preventative action in combating the phenomenon.

- ▶ In the area of family, child and youth welfare we wish to increase awareness and to train the existing services to deal with cases of forced marriages. Concretely this means,
  - consistent use of the protective care legislation provided under § 42 SGB VIII in order to house adolescent victims in safe accommodation. In the field of child and youth welfare the girl's refuge run by the KJND is a protective service for under age women. The inter-cultural care centre "Kardelen" supported by Basis & Woge e.v. targets girls and women from 14 to 21 years of age;
  - for the age group of 18 - to 21 (39% of those known to be seeking help) to consider individual support under the youth welfare law in addition to the basic protection available in the women's refuges; in individual cases these young adults can obtain support to develop their personalities and to lead an autonomous lifestyle in accordance with § 41 SGB VIII,
  - to involve the parents of - the mostly female - victims but also other relatives such as grandparents, aunts, brothers in family welfare measures. Apart from the theme of strengthening of competence in bringing up children the issue of forced marriage should also be incorporated into the activities of centres offering courses for parents, family education centres, child and youth welfare centres and parental advice centres.
- ▶ Based on the results of the survey conducted by the Lawaetz Foundation, we have come to the conclusion that teachers play an important role in the extra-family support for victims. At school, children and young people are not under the direct influence or control of their parents. Teachers therefore, become the most important contact persons to whom young people can relate most closely. At the same time it is the school's responsibility to transmit the values of the Federal Constitution and the Constitution of the Free and Hanseatic City of Hamburg especially with regard to the right to freedom and self-determination, respect for human dignity and equality between women and men in class and through teaching. We want to build on this work.

Thus, the Senate has asked the Education Authorities to investigate to what degree teachers can expand their knowledge on forced marriage and to examine whether further support from experts has to be offered for the teaching pro-

fession. Moreover, they are examining whether and how prevention can be strengthened in schools - in particular with respect to integrating the issue in the curriculum of all types of schools and within the scope of parent -teacher work. In addition it is being examined in what way potential victims, both girls and boys could be referred to counselling services. The relevant results of these investigations will then be implemented by the appropriate responsible authority.

- ▶ Last but not least, one item contained in the Senate's action plan is our project Active Against Forced Marriage which we are officially launching today: In February 2006 we applied to the Daphne-Programme of the European Union (EU) for funding for the project. The EU Commission approved funding at the beginning of 2007. The project aims to give weight to the ban on forced marriages through consultation and awareness raising of decision-makers in politics and administrative authorities. In the long term, we wish to develop proposals for prevention particularly in the areas of Social Affairs, Integration Youth and Family Welfare Policy. These objectives are to be achieved by means of organising Daphne Conferences to which national and international experts are invited. The cooperating partners will also organise a Daphne Conference in their own countries with decision-makers from politics and administration.

In this respect, it is clear that we are only at the beginning of our work on the issue and our action plan. We wish to utilise this project to optimise and expand our approaches to the issue. This means: based on the experiences we have gained in this period, two years from now we will have a new action plan.



## **6. Proposals For Action From The Daphne Project “-Shehrazad: Combating Violence In The Name Of Honour-”**

**Sybille Schreiber, TERRE DES FEMMES**



I would like to begin my presentation by giving some details about the work of TERRE DES FEMMES - Human Rights For Women e.V. with particular emphasis on our organisation's work on violence in the name of honour. Then I will go on to present the European project "Shehrazad: Combating Violence In The Name Of Honour" which TERRE DES FEMMES participated in from 2003 -2004. Within the national network meetings which were one of the goals of the project, proposals for action were drawn up to combat violence in the name of honour.

I will next list some of the relevant demands drawn from the project which relate to combating forced marriage in Germany, describing the proposals which have been implemented and will finally point to some gaps which still exist.

### **I. Introduction:**

My name is Sibylle Schreiber and I work for TERRE DES FEMMES - Human Rights For Women e.V. as an expert for violence in the name of honour.

Parallel to our conference today to discuss measures to combat forced marriage, the Federal Government's Committee of the Interior is currently meeting to discuss amendments to the immigration law. According to the Minister Of The Interior Mr. Schäuble two of the amendments which are foreseen will serve to protect people from forced marriages. Whether this will be the case or not: the explanation itself shows that forced marriage is an issue which has in the meantime reached the highest echelons of political gremiums.

If we compare this to the year 2003 when TERRE DES FEMMES launched its campaign "Stop Forced Marriage" and became involved in the European project "Shehrazad: Combating Violence In The Name Of Honour", it is clear that public discussion on the theme in Germany has made considerable progress. However there is still a very long list of measures which need urgent implementation in order to combat this form of violence.

Before I come to the proposals for action from the European project, let me say a few brief words about TERRE DES FEMMES and our work against violence in the name of honour.

## **II The work of TERRE DES FEMMES**

TERRE DES FEMMES is an independent organisation with approx. 3,000 members and has been in existence for over 25 years. Our head office is in Tübingen and there are more than 20 groups, staffed by volunteers organised in towns throughout Germany, including one in Hamburg.

Our work is financed by donations, subsidies and membership fees. The themes which we are currently focusing on are forced marriage, crimes within marriage, domestic violence, forced prostitution and female genital circumcision. The objective of the organisation is to publicise violations of human rights against women and to take action against them.

Furthermore, we are currently sponsoring nine women's self-help projects abroad and in addition give support in individual cases for women who are seriously at risk. Our counselling is carried out on the telephone as we have people calling from all over Germany.

For example, we help girls to flee from their families by organising a suitable refuge and we arrange contacts with e.g. the youth welfare office, the police or other authorities. In an average year we offer counselling to more than 180 girls and women, mostly on the issue of violence in the name of honour. This number is growing. This is certainly due to the campaigns we have carried out on the theme such as the campaign I mentioned "Stop Forced Marriage" and the campaign "No To Crimes In The Name of Honour", but it is also due to the lack of advice centres throughout the country known to be dealing with the issue.

We are especially involved on the political level - such as our participation in the Expert Commission Against Forced Marriage in Baden-Württemberg, hearings of experts and in the working group "Women's Rights" which is involved in drawing up the national integration plan for the Federal Chancellor.

I would now like to give you an overview of our EU project:

## **III The European Project "Shehrazad: Combating Violence In The Name Of Honour"**

In 2003 and 2004 TERRE DES FEMMES was part of the European project "Shehrazad: Combating Violence In The Name Of Honour" together with 4 other organisations; Kvinnovorum from Sweden, Fundacion Mujeres from Spain, Change from Great Britain and The Institute Of Equality from Greece with the aim of establishing a European network to combat violence in the name of honour. This form of violence

also includes forced marriage.

The objectives were not only to exchange experience and information (by means of two European conferences), but also to set up national networks of experts. With the aid of these national networks, public awareness was to be raised in order to stimulate political and legal measures. Furthermore, information concerning successful procedures in prevention and the protection of victims was collected.

In a further stage each organisation drew up a national report on the situation with respect to honour related violence for their own country. I have brought summaries of the reports with me today. They can also be found on the internet.

At the first conference in November 2003 a common definition of this form of violence was developed, this was again necessary at the first national network meeting in Germany in March 2004, which is a clear pointer to how the problem has rapidly developed.

The national reports and networks were definitely an important prerequisite for combating violence in the name of honour. However, the aim of the project: to create a long-term European network with the partner organisations, has not been achieved. There was only one further national network meeting outside of the framework of the European project. The reason was the usual one of chronic lack of funding for social institutions.

#### **IV The Recommendations For Action from The EU Project**

Within the national network meetings numerous proposals for action were collated and developed, also concerning forced marriage. In the meantime, some of them have been implemented, others are still to be found on the waiting list. Due to shortage of time, I will concentrate only on those approaches which were developed within the German network.

In order to provide you with a clear overview, I will list the proposals of action formulated within the EU project according to the different forms of forced marriages. These are: Forced Marriage here in Germany, abduction to a foreign country, and the women who come to Germany as so-called "import brides".

I am well aware of the crudeness of these categories. Every individual victim has different needs and each case needs its own specific approach and solutions.

##### 1. Forced Marriage In Germany

###### a) Demand: improving prevention

In order to protect girls against a forced marriage they have to be able to discuss the issue and know where they can get help. School is an excellent place to do this. Unfortunately, schools often have too few resources to deal with the issue. Whether the

theme is dealt with or not still depends on the commitment of individual teachers. Although TERRE DES FEMMES has produced teaching materials, until now only the Ministry of Culture in Baden-Württemberg has informed their teachers about it.

In addition, active cooperation with the parents is necessary.

Material for young people to encourage them to think about the subject, such as postcards and posters, has been developed by TERRE DES FEMMES, the girl's club MaDonna and the Federal State of North Rhine Westfalia. (Some of these have been translated into different languages).

Additionally, we at TERRE DES FEMMES have developed an emergency assistance leaflet for young people which gives advice on what to do in the situation and lists advice centres. Lower Saxony and Baden-Württemberg are planning something similar. However there is no guarantee that this material will be distributed nationwide.

A further preventative measure which is also required is the improvement of cooperation with immigrant organisations. At the national network meetings a few years ago this had not taken place, but nowadays it is happening in some Federal States. This is a very positive development which also urgently needs to be extended to Mosque organisations.

#### b) Establishing and expanding specific advice and refuge facilities working on the issue of forced marriage

Unfortunately, I know of only one advice centre which has been recently established "Yasmine" in Stuttgart, however they have no state funding. I have already mentioned the considerable need for advice centres and specialist refuges.

However, a number of counselling services exist which offer on-line counselling on forced marriage. In Lower Saxony a telephone hot-line now exists. These are very good developments, however it almost seems as if there is a competition between the Federal States to announce new measures against forced marriage. The development of long-term joint plans e.g. a national hotline which gives advice to victims is not envisaged. This does not serve the victim's needs. It is also doubtful if such projects will be sustained should public attention on the issue wane.

#### c) Training for public authority employees

During the EU Project, reference was made to the large degree of helplessness on the part of public authority employees when faced with the issue of forced marriage. Training in all areas was called for. Most of the training which is currently being carried out is only thanks to the initiatives of local institutions, e.g. organised by the local Equality Officer in conjunction with the local public evening school (VHS).

Unfortunately, again and again we have had experience of the fatal consequences caused by lack of knowledge of the problem. In particular, in the case of an impending abduction abroad, one has to act quickly and appropriately otherwise the girl may disappear abroad forever. When knowledge and experience is lacking, the institutions discontinue support especially if the employees themselves feel threatened or at risk. Therefore within the EU project, attention was paid to the lack of protection on offer to professional helpers.

Many Federal States e.g. Baden-Württemberg have gone public with an action plan against forced marriage. Many of these action plans have announced training measures for particular groups of professionals. Baden-Württemberg has decided to organise training for teachers in 2008/09, however only 4 training sessions for approx. 15-20 participants are envisaged. This amounts to 0.06% of all teachers in Baden-Württemberg. I do not think I need to comment any further on this figure. Thus the details contained in these highly-praised action plans need to be placed under scrutiny.

#### d) Demand: improved data protection for victims

After fleeing from their families, the victims are often threatened by their families for years. In order to protect themselves many victims try to disappear from view, they wish to change their names and to keep their addresses secret. Unfortunately, this still is almost impossible and many obstacles are placed in the victim's path.

For example, only German citizens can apply to change their names. If the victim has a German passport, the family can apply for the issue of a new birth certificate which lists the old and new name.

In order for the authorities to agree to non-disclosure of personal information, one has to prove the existence of a threat. If the threats are only verbally expressed, then it is difficult to prove. This ban on disclosing information is only valid for two years, after that the continued existence of acute danger has to be proven again. Some authorities do not even inform the victims when the disclosure ban has been lifted.

Unfortunately, as far as I know there has been no improvement in this area. On the contrary due to closer networking between the different authorities the situation has deteriorated. In my opinion establishing a coordinating office for witness protection measures is urgently needed.

## 2. Abduction to a foreign country

When discussing this point, first I would like to focus on the new immigration law, which is, as I mentioned, in the final round of discussion in the Committee of the Interior. Minister of the Interior Mr Schäuble has been trying to sell some of the amendments as a protection against forced marriage. A much better improvement would

have been to make it easier by law for the victims who have been abducted abroad to return to Germany. Despite the efforts of many human rights organisations this proposal has been ignored. Those affected by abduction abroad are young girls and women who have grown up in Germany. But under § 51 Abs.1 Nr.7 AufenthG, even a permanent resident's permit becomes invalid after a stay of six months abroad.

Our experience has shown that it often takes victims much longer before they can escape from their tormentors and organise their return to Germany. If the six month time limit has expired, very strict rules apply before these girls can return to Germany, for example, they have to prove their economic independence and that they can support themselves economically. Because the parents are the ones who have imposed the forced marriage, they, as a rule, cannot provide financial support. The girls lose their home and all chances of a self-determined life. The participants at the network meetings referred to this danger of exploiting legislation for other ends.

The planned law against forced marriage (making forced marriage a specific crime) is meant to help punish abduction into marriage. However, at the moment a crime committed by foreign nationals against another foreign national living abroad does not constitute an offence according to German law. However, this is the typical situation in the case of abduction abroad. The draft law also contains provisions for strengthening the legal position of the victim. This draft has still not been passed and has been with Parliament for nearly one and a half years. The CDU would instead prefer to first pass the controversial immigration law.

### 3. Forced marriage affecting immigrants

Also in this area, Minister of the Interior Schäuble appears to want to help the victims by means of the new immigration law. In future, spouses from particular countries wishing to join their partners in Germany will have to prove their knowledge of the German language before they can enter the country. Spouses from countries such as the USA, Australia and Japan are exempt from this regulation. The Federal Government claims that this regulation will protect women against forced marriage. However, the precondition for the right to join one's spouse is a marriage which has already taken place. Thus the regulation offers no protection whatsoever against forced marriage.

We believe a more effective help for women joining their spouses would be to organise integration courses in Germany, a measure which was formulated during the EU project. In these courses women should be made aware of their rights and referred directly to local advice offices. However integration courses cost money and the Federal Government does not seem to want to invest money in integration and protection for women joining their spouses in Germany.

## **V. Conclusion**

There are many other proposals for action which I would have liked to have presented today. Such as; the need for a representative study, youth support for young adults, the residential regulations pertaining to refugees, simplifying recognition of a case of hardship concerning violence within marriage etc. Unfortunately, we do not have the time to discuss these today. However, we now have the new EU project “Active Against Forced Marriage” to elaborate such proposals So let me only add a brief comment: In order to effectively combat forced marriage, sustainable programmes have to be developed with the participation of the Federal Government, the Federal States and Urban and Local District Authorities. Immigrant organisations have to be included in such programmes as they have the best contact to their communities.

I see some grounds for hope in the recent establishment of two immigrant women’s organisations Hatun and Can as well as the project Scheherazad. Their objectives are to combat crimes within marriage and to support women immigrants.

Thank you very much for your attention!



## **7. Proposals for action from previous Daphne Projects - What remains to be done to combat forced marriage?**

### **Birim Bayam, Papatya**

My name is Brim Bayam. I am an education professional and have been working for 11 years for Papatya.

Papatya is a crisis facility for girls who are mostly from a Turkish or Kurdish ethnic background, although we are increasingly sought out by girls of multinational origin. We offer protection, shelter and advice for minors and young women who are fleeing from violence in their families. We have a refuge in a flat in Berlin which provides accommodation for 8 girls. The address of the flat is kept secret to protect the girls from being traced by their families. Primarily, we offer the girls a place where they feel protected from their family's grasp, where they receive 24/7 support and where they can reflect in peace how they want their lives to continue in the future. The Turkish/Kurdish/German team of staff also provides support and accompanies the girls in their contacts with their families - whether it be telephone calls or discussions with the parents. On average, the girls stay approx. six weeks with Papatya.

Forced marriage as a special form of sexual violence has been a issue for Papatya since the very beginning. In the first year of our existence in 1986, 13 out of 63 girls were affected by forced marriage. In our daily work we have got to know the dimensions of the phenomenon and have extensive experience of the details of the problem. For the last number of years, we have been keeping detailed statistics on the theme and try to fully document the cases. Every year, 20 to 30 of the girls who we take in (i.e. 30 to 40%) are victims of either threatened or actual forced marriages. Around half of them are still minors - forced marriage is also an issue of protecting children.

Since 1997 the Daphne Project of the EU has been in existence with the aim of supporting measures to combat violence against children, young people and women and to build up networks of NGOs to publicise best practice on a European level. We have been involved in this project from the beginning. Our aim was and still remains to build up a network of organisations at European level who are working on the issue of protecting girls and young women against violence in the name of honour and forced marriage.

Amongst other things we organised a seminar week and conference in Berlin in 2001 to which we invited our partner organisations from Germany, France, Austria, Sweden, Holland, Spain and Turkey. Later in 2003-2004, we were as one of the active partner organisations in the European Project "Shehrazad: Combating Violence In The Name Of Honour".

What results were attained? What remains to be followed up?

- On study trips to different European countries and Turkey we visited some advice centres and refuges for young immigrants and experienced the specifics of their work and - some of them joined us as cooperation partners. The seminar weeks and conferences served to bring together all the partners participating in the Daphne Project for an exchange of information and the development of joint action strategies.
- We discovered that in the respective European countries hardly any special protection facilities exist for young immigrants. At the beginning of the project, Saadet in Holland and Papatya in Germany were unique in this respect and were presented as an example for best practice.

In the meantime, a specialist facility has been established in Malmö Sweden, whilst in Stockholm the Women's Refuge Friesland is currently setting up a special facility for girls. In Austria, committed colleagues have been trying for some time to set up a facility similar to that organised by Papatya. So far, this has not been possible as they cannot find funding. In France there have also been efforts to set up a similar crisis facility, and our French colleagues are going to visit us in August to find out our methods of working. Over a number of years, numerous colleagues from Sweden, Austria and Switzerland have visited us because they were interested in setting up similar facilities in their own countries.

- This shows that recognition of the need for girls and young women who are affected by violence in the name of honour and forced marriage to receive particular protection and support in crisis situations is increasing. This is a positive development. However, it does not necessarily lead to the creation of suitable facilities in the respective countries. Quite the contrary, in Germany for example, one of the special residential facilities for young immigrant women in North Rhine Westfalia had to close due to problems with funding. Our facility is also affected by chronic underfunding and we are forced to invest a lot of time and energy into securing our financial existence (e.g. finding donations/fund raising).
- With regards to raising public awareness, here we have achieved some success. Forced marriage is an issue which is being focused on by politicians at the moment and there are many efforts to develop action plans against forced marriage.
- On a positive note we can see serious efforts being made to collect information on the scope and significance of the problem. For example, the Federal Ministry For Family Affairs has commissioned a research institute to investigate the issue and we were able to provide them with 20 years of case material. The results will soon be published.
- However, there is also a negative side concerning how the issue has been dealt with in public. Different trends exist and we are continually discussing the sense

and purpose of the various action plans and how they can be implemented. Immigrant organisations but not solely them (!) have found the way the issue has been handled in the media and by politicians to be stigmatising and therefore counter-productive. "Forced marriage is represented as a "foreign" form of violence against women and children and in the outrage against it, one loses sight of the fact that violence against women and children is widespread throughout the world and always has a cultural context - both regarding its form (from widow burning to murder on the grounds of jealousy) and the causes." (Corinna Ter-Nedden, Papatya).

- In 2001 Papatya initiated the Berliner Working Group on Forced Marriage, where staff from the different institutions (local authorities, Senate administration, police, women's and girl's projects and victim support groups) continually work on different aspects of this difficult problem. This cooperation and exchange of information has proven to be very useful and has helped us to find common positions, and present further demands to serve the interests of the victims. Recently for example, on the occasion of the consultations concerning the draft law of the Federal Government to implement the residence and asylum guidelines of the European Union, we issued a statement to the respective Parliamentary parties. Although combating forced marriage plays an important role in the draft legislation, we have however, established that the current draft legislation includes mainly restrictive measures. Amendments strengthening the residence status of victims which would open up more opportunities for action are not planned. Practical experience shows, however, the more insecure the residence status of the victims, the more difficult it is for them to break out of their predicament. A strengthening of the residence status could therefore be an important contribution towards effectively combating forced marriage.
- There is still a lot of work to be done particularly in the area of improving prevention. In our day-to day work we see that the public authorities often display "helplessness" in dealing with victims, often in the form of ignorance of the problem and lack of knowledge. In this respect, provision of training for professionals and increasing their intercultural sensitivity is one of the pressing tasks. Here it is particularly necessary to critically challenge the effects produced by an unthinking understanding of tolerance and capabilities which we have often experienced in youth welfare employees confronted by cases involving violent relationships:

General respect for the values of others and showing respect to people and families does not mean that one should "go easy on" the family and not confront them with their misconduct. In this connection, too much understanding for the parents (and their so-called culture) is totally destructive and does not help the family in any way to reconsider their behaviour and possibly alter it. Professionals must avoid being taken in by deliberate demonstrations of family closeness and concern (your parents really love you) and giving in to the family's wishes to be quickly reunited. The crisis can only give rise to an opportunity when the par-

ents begin to change their attitudes. The real challenge which professionals have to face is not to sweep the parent's misconduct under the carpet but to call it by its name and to look for possibilities of change together with the parents.

- Concerning the protection of victims, many stumbling blocks still exist which can be removed with the help of new strategies for action. Especially in the case of young adults we often encounter confusion concerning which authority or office is responsible for them. Many young women who have come to Papatya have purposely waited until they were adults in order to avoid a court battle with their parents in the guardianship courts. However, as young adults they are often turned away from the youth office and referred to women's refuges or social security offices. These young adults hardly differ from 16 year olds in terms of their development and autonomy. In this situation of crisis they are not able to develop a new life perspective outside of their family without appropriate support. They are simply abandoned to their fate. In addition, they have to wrangle with the authorities about who is responsible for them which is extremely demoralising.
- Aspects of forced marriage in the context of Criminal Law: A number of Federal States have put forward a catalogue of measures to tackle forced marriage. These primarily relate to criminal legislation. Papatya's point of view is this only makes sense if they are embedded in other measures which ensure the protection of the victims. The victims must be able to succeed in escaping from the pressure put on them by their families and to find safe accommodation. This is the precondition before they can exercise their legal rights.

Papatya's experience is that one cannot expect many of the victims to be prepared to take legal steps against their families. The victims are filled with guilt feelings and do not want to harm their families. In addition they often fear acts of revenge from the side of the family. Lengthy court cases would endanger their anonymity which they often depend on for a longer period of time.

- A further challenge is to guarantee the anonymity of victims fleeing from forced marriage. In our work we have seen that it is practically impossible not to leave a trail through the jungle of the authorities and institutions. Difficulties begin when e.g. the victims have to flee quickly and cannot take important documents such as passports with them, as they are often kept under lock and key by the parents. Cooperation between the authorities and a flexible approach to the victim's situation could help remove some major obstacles.

In conclusion, I would like to turn to a new and positive development. Over the last 3 years, in addition to telephone counselling and accommodating girls in the existing refuge, Papatya has set up an internet counselling service. This has proven to be a medium which is accepted by those young immigrant women who for different reasons cannot or do not use the usual support and counselling service. This form of counselling is particularly useful for clarifying ambivalent feelings (should I accept my lot or leave the family). The project was funded by the programme "Action Mensch"

for 3 years and this funding ran out at the end of March. For quite some time, we had to struggle to obtain follow-up funding. Recently, the Federal Ministry For Family Affairs has guaranteed us further funding for 3 years. The project will be accompanied by a research programme with the purpose of producing an evaluation. An advisory committee will be set up for the project. We were able to recruit one member of staff from our Swedish partner organisation to join this committee. Under the name of "Elektra" they have been running a bilingual internet counselling service and therapy for some time now. Thus we have come a little bit closer to our intentions of building a European network on this issue. And we also hope for more cooperation and exchange with the girl's and women's projects in Germany, who are more or less entering uncharted territories.



## 8. Panel Discussion:

### Active Against Forced Marriage - A Time For Action

Participants

**Dietrich Wersich**, State Secretary- Department Of Social Affairs, Family, Health and Consumer Protection.

**Christine Denker**, Intercultural Advice Centres (Verikom and IKB e.V) for immigrants affected by domestic violence and forced marriage.

**Ayse Jerfi Hein**, Member of the Integration Committee and Deputy for the Department Of Social, Family and Health and Consumer Protection.

**Dr. Ahmet Toprak**<sup>8</sup>, Consultant for Prevention of Violence, Aktion Jugendschutz Bayern e.V, Lecturer and Author.

**Özdem Nas**, Speaker of the Muslim Women's Community in North Germany (Schura/BIG)

**Latifa Kühn**, Political Scientist M.A. Consultant For Intercultural Management.

The panel discussion focussed on the following questions:

1. How do we make a clear distinction between forced marriage and arranged marriage, how do we assess arranged marriages?
2. What would be the most appropriate preventative measures to combat forced marriages?
3. How do we assess the importance of volunteer work by the immigrant community in the prevention of forced marriage, does it promote integration?

What follows is a summary of the different positions and statements discussed by the panel and the conference participants.

#### **What is the distinction between forced marriages and arranged marriages, how do we assess arranged marriages?**

The discussions on the question of how to deal with arranged marriages were controversial. On the one hand, participants agreed by and large that a differentiated

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<sup>8</sup> A thesis paper on the prevention and integration of youths with a Turkish background by Dr. Ahmet Toprak is published in the appendix to the conference documentation.

view point is necessary when judging and dealing with arranged marriages. However, opinions differed as to whether this form of marriage negotiation should be tolerated or not. Whilst arranged marriages were seen by some participants to be acceptable - even reasonable, others however, were of the opinion that arranged marriages are a form of marriage negotiation that is no longer acceptable in modern European society.

Below is a summary of the views, some of which were controversially discussed:

- The transition between forced marriage and arranged marriage is hard to delimit. Whereas in Turkey arranged marriages account for 63% of all marriages and represent the norm, this is not the case in Germany. Such arrangements are outdated. In this respect, sustaining the idea of freedom of choice of the spouses should apply. An arranged marriage based on the consent of both spouses could also eventually end in a forced marriage.
- Arranged marriages are in fact a normal form of marriage in Turkey. Most people in Turkey, however, do marry freely and voluntarily; Prof. Strasburger's presentation this morning was an accurate portrayal.
- In Afghanistan arranged marriages also play an important role. Of primary importance in such arrangements are factors such as tribal background and ethnicity, religion is secondary. As long as the arranged marriages take place based on the free decision of both partners, this form of marriage is to be seen positively.
- What is necessary is an exact and differentiated view and assessment of arranged marriages. However, one problem is that marriages can begin as an arrangement and end in force and oppression. A clear delimitation is difficult in many cases. In addition, free will which is the benchmark for an arranged or forced marriage can be manipulated irrespective of the level of education.
- In principle, arranged marriages are to be considered in a positive light. Not all young people have the possibility to meet suitable people who could be potential spouses, especially if they are religious Muslims. Arranged marriages are therefore a tried and tested means to meet someone and the various communities do not attach any negative connotations to them. However, subjectively it is often embarrassing when parents arrange the marriage. It is unproblematic when friends open up this means of becoming acquainted.
- Germany as a central European country does not need these kind of arrangements anymore, as this form of marriage does not fit into a modern society. It should also be possible for Muslim immigrants to meet potential partners in an open society such as ours, given the wide range of opportunities. In contrast, ghettoisation is a problem and it is necessary for integration policy to begin work on this issue: Immigrants have to open up to this country and have to be able to move freely in Hamburg.

- Forced marriage is a culturally sensitive issue: correspondingly the communication with immigrant communities has to be culturally sensitive too: Ethnocentricity, it was warned, could lead to a re-ethnicisation of immigrants. One has reach out to people, inform them and ask them how we can ensure that young girls are not subjected to force. This is also a question for the environmental and town planners who should aim to prevent ghettoisation.
- With respect to counselling, it has been ascertained that little can be said about the number and quality of arranged marriages. In so far as women sought out an advice centre, they came, as a rule, because of domestic violence, emotional and health problems and problems with their children or their relationship. Whether the background to these problems lay in their marriage being arranged scarcely played a role in counselling.
- In principle, criticism was expressed of the fact that in the context of forced marriage, public attention is primarily focused on women and that men are rarely discussed.

### **What would be suitable preventative measures to tackle forced marriage?**

Different aspects and approaches were discussed concerning steps which would help in the prevention of forced marriage. Based on the assumption that prevention should begin with children and adolescents (i.e. in kindergartens and schools) a central discussion theme was parental involvement, particularly how to reach the fathers and how to deal with and define the notion of “honour”.

A further main point of discussion was the question of the participation of immigrants in society, which was unanimously seen to be indispensable if integration is to work.

Finally, concrete preventative measures were discussed, such as successful media campaigns or cooperation with immigrant communities. The individual viewpoints are summarised below:

- The best prevention against forced marriage is to become familiar with our everyday culture and values. This has to begin in kindergarten, which is why the City of Hamburg has established a right for children from the age of three to attend kindergarten for five hours daily. Children whose language skills are insufficient are obliged to start school one year earlier in order to receive intensive language training. In addition, teaching professionals have to be trained to handle the issue of forced marriage sensitively.
- At the same time, work with the parents has to be carried out in an integrated and systematic way, particularly with the fathers. Strong children can only come from a strong parental home.

- Legal measures alone are not sufficient to prevent forced marriages. In this respect, there are still too many unconstructive debates at the political level,. Passing legislation is both right and necessary, but at the same time we need strong children who can oppose forced marriage within their families. As opposed to women, men can profit from such marriages. Men can, even when they have been married forcibly, quickly redefine the marriage for themselves in a positive way. Thus most men do not feel the pressure to act against forced marriage and still say "Where is the problem?" That is why parental training is so important: Only thus will it be possible to succeed in making boys who come from conservative families grow up to become strong boys and not machos.
- A decisive factor for the success of integration is the provision of education, which is openly accessible, as the majority of women who came to the advice centres had a poor educational background. Often the first educational step is to provide literacy courses Building up trust is based on continuity and the proximity of the facilities to the victim's neighbourhood.
- It is necessary to redefine "male honour" within the immigration context. It has to be made clear in pre-school and primary school that honour does not consist of guarding one's sister, rather, educating oneself is a sign of honourable behaviour. This is an important approach towards strengthening boy's and girl's self-esteem.
- Regarding the redefinition of the concept of honour, care must be taken that this is accepted by the community. This is a long and difficult process, which entails a great deal of efforts to convince the communities. In addition, the concept of honour is by no means as static in Turkish families as is often portrayed in the media. On the one hand, there does exist an old-fashioned understanding of honour which adheres to the viewpoint of a Turkish village of the 1960's , on the other hand this is not particularly relevant for those immigrants who have "arrived" and participate in the target society.
- In this connection, it is useful when the immigrant communities themselves become active: For example, the Turkish Community Organisation in Hamburg goes into schools and organises discussions with the children on issues such as honour.
- It is indispensable to seek and maintain contact with the immigrant organisations and communities. This also involves cooperating at all counselling levels with the communities as experts.
- Cooperation is still lacking both with and within the home countries concerning the victims of forced marriage.
- In principle, it is extremely difficult to reach the "undetected women". Whilst those women who have already sought out advice centres can be said to be open for change or prepared to accept help, for those women who remain invisible, even seminars organised by the mosques would not be sufficient. Further-

more, unpleasant themes such as forced marriage may deter them from coming. Therefore, it is necessary to have educationally and psychologically trained staff funded by the state, as well as a network of immigrant organisations and information pools to lead such courses. Otherwise many who sit quietly in the corner but may be feeling desperate will not be reached. This point was subject to a large degree of controversial discussion by the participants, especially concerning the demand that the state should fund such projects and tasks.

- Equally lacking is effective support after the women leave the refuges. The non-existence of necessary support after leaving the refuge was seen to be one of the main reasons for women returning to a forced marriage. Thus forced marriage is not primarily a problem of integration, protection of the victims is more important.
- Effective integration policy is extremely important, however there are similarities to the women's movement of the 1970's in that it is not an issue which interests the majority of the population but rather a vanguard is fighting for successful integration particularly of women: Once someone has experienced freedom they wish to hold onto it and not return to patriarchal structures.
- Successful integration entails more than experiencing freedom: Namely, it is a long process of cultural interaction, at the end of which a consensus of values is reached. It is the responsibility of all involved to interact with each other, which can only be achieved with the participation of the immigrant community. Participating in society would lead to a self-reflection on the part of immigrants and to a new self-esteem, which could possibly also have an impact in their former home countries. It is necessary to redefine the rules to involve everyone, where intercultural and inter-religious dialogue is not just an empty phrase, but rather is understood to be a set of practical tasks. An example: cultural consultants who are interculturally competent and charismatic would seek out contact to the communities directly after the Friday Prayers and organise rounds of discussions.
- Integration can proceed through meaningful interaction of the state and society. Immigrants have at their disposal the necessary intercultural expertise and wish to participate with these abilities in society. Although all of us are sitting in the same boat, what is basically missing, is a sense of an "us-feeling". It is sometimes discouraging that immigrants who are truly knowledgeable on intercultural issues are rarely heard. In addition, Muslims have to move into more representative positions in society in order to provide a role model for others.
- Successful integration depends on immigrants participating more in public life and reaching visible positions of responsibility in society. Only thus, can they become a role-model for others.
- It is of prime importance that women attain a good education and qualifications obtained abroad should be duly recognised. It is essential to improve the economic conditions of women with an immigrant background. Being able to speak

German well, education and equality of employment opportunities are the best means of preventing forced marriages.

- The campaign carried out by the Turkish newspaper "Hürriyet" against forced marriages and domestic violence is exemplary.

### **What is the importance of voluntary work by immigrants - with respect to the prevention of forced marriage?**

The focus on the need to improve integration and participation was followed by a controversial discussion concerning the necessity of involving immigrants in voluntary support work.

It was emphasised that immigrants and immigrant organisations already are involved in a large amount of voluntary work and some good examples of successful integration work carried out with the help of volunteers were presented. Simultaneously, stress was laid on the necessity of employing professionals, particularly when it comes to support and help for people affected by violence. A contrasting point of view expressed was that in view of the lack of public funding, an increase in voluntary work by immigrant groups is urgently needed.

- It is necessary given the lack of financial resources that voluntary helpers from the immigrant community take those seeking help by the hand and e.g. accompany them to an advice centre. If integration is to be understood as an essential means of preventing forced marriages, it is not necessary to set up new centres and extra support facilities. Rather immigrants should be called on to use existing facilities (community centres, sports clubs). However, these facilities must become intercultural and open to the immigrant communities.
- The conference participants also stressed that voluntary commitment which was demanded is already taking place. The advice centres were able to confirm this based on their own experience. In addition, the diverse advice centres were working together in a tight network. However, many women after completing language courses in German are confronted with the question of what perspectives exist for them. Integration is two-sided, and both sides have to interact with each other. A further point was voluntary work is not helpful in cases involving violence and the psychological problems arising from it. The victims need professional support and care - only after receiving this support are they able to interact with others and actively work on their own integration.
- A combination of voluntary and professional support groups involved in working for integration and against forced marriage can function. In contrast however, it is essential that professionals deal with particularly highly sensitive areas such as forced marriage or domestic violence,
- In Bavaria so-called "Parents Talks" have been established where numerous people from immigrant backgrounds do volunteer work. The idea behind the

“Parents Talks” is that parents give advice to other parents, they meet privately in groups and discuss questions related to bringing up children. The people leading these discussion groups are volunteers who have children of their own and who received training from professionals in 21 locations to enable them to carry out this task. The project has been coordinated by two voluntary organisations, and numerous towns and country areas have been reached by the project. At the end of 2006, 62% of those taking part in the “Parents Talks” were immigrants. This was due to the fact that the “social-work pressure“ was missing and those participating had no problems in opening their doors of their homes to others. Thus the service is open access, effective and a good example of meaningful prevention of forced marriage and for successfully involving immigrants in volunteer work.

- Integration is never a one-way-street, naturally there are obligations which immigrants themselves have to fulfil. They have to learn German and open themselves to the target country. Integration is a continuous, open and reciprocal process in which both sides can learn from each other.
- In addition, a precondition for dedicated voluntary commitment of immigrants is that cooperation between immigrant organisations and the state takes place on an equal footing. The perception of many immigrants is that they are not taken seriously and discussions do not take place with them, but rather, about them. Particularly immigrant women can be freed from their isolation when they are approached by native speakers and (voluntary) cultural mediators.



## APPENDIX

### **Thesis paper concerning prevention and integration of youths with a Turkish immigrant background - Dr. Ahmet Toprak**

The proposals for prevention listed here are taken from my last scientific work "The Weak Sex- Turkish Men", 2 edition, published by Lambertus-Verlag 2007.

#### **1. Short and medium-term measures**

##### (1) Cooperation with parents

- Cooperation with parents as equal partners
- Involvement of parents in parent's committees
- Communicating in a sensitive manner that pre-school education is very important
- Explaining that the basis for learning a second language (German) lies in having learnt the mother tongue (Turkish/Kurdish etc.)

##### (2) Intercultural competence as a standard of quality

- Embodying this as a guiding principle within the institutions at management level
- Intensive continuous and further training for professionals

##### (3) Focus on capabilities when working with the target groups

Do not always emphasise deficits, but rather build up strengths.

##### (4) Social training courses for youths

In order to increase and strengthen the following skills:

- social skills
- communicative skills
- cooperative skills
- confrontational skills

#### (5) Information campaigns in the Turkish media

On selected themes such as the current campaign by "Hürriyet" on the problem of domestic violence. Expand these to other media, particularly television.

#### (6) Maintaining and extending youth welfare facilities

- Extending youth welfare centres
- Extending centres for girls and women
- In particular for both: exemption from cuts in funding.

#### (7) Cooperation with cultural and mosque organisations

Involvement of these organisations in integration efforts as they have considerable influence within the immigrant community. In particular, training for the leadership and staff in these organisations must be increased.

#### (8) Cooperation with the Turkish press

Intensive cooperation with the Turkish press with respect to the way they report events. In some parts of the press, aggressive attitudes are stirred up against society and politics in the target country.

### **2. Long-term measures**

#### (1) Raising the level of school education

- Obligatory attendance at kindergarten which is free of charge
- special support classes and additional classes for immigrants
- abolition of the three-tiered school system

#### (2) Improvement of vocational training

- involvement of Turkish companies in training immigrants
- preference given to immigrants when they have equivalent qualifications

#### (3) Improvement of social conditions

- employment conditions
- housing conditions

## Overview of names and addresses of the partner organisations taking part in the Daphne Project

<p><b>Freie und Hansestadt Hamburg</b> Behörde für Soziales, Familie, Gesundheit und Verbraucherschutz (BSG) Amt für Familie, Jugend und Sozialordnung Adolph-Schönfelder-Str.5 D-22083 Hamburg</p>	<p><b>Martina Felz</b> <a href="mailto:Martina.Felz@bsg.hamburg.de">Martina.Felz@bsg.hamburg.de</a></p> <p><b>Isabel Said</b> <a href="mailto:Isabel.Said@bsg.hamburg.de">Isabel.Said@bsg.hamburg.de</a></p> <p><b>Dr. Matthias Bartke</b> <a href="mailto:Matthias.Bartke@bsg.hamburg.de">Matthias.Bartke@bsg.hamburg.de</a></p>
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<p><b>Women for Women´s Human Rights (WWHR) – New Ways</b></p> <p>Inonu Cad. Saadet Apt.No 29 D.6, Gumussuyu 34437, Istanbul, Türkei</p>	<p><b>Karin Ronge</b> <a href="mailto:k.ronge@wwhr.org">k.ronge@wwhr.org</a> / <a href="mailto:krongewwhr@yahoo.de">krongewwhr@yahoo.de</a></p>

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