



# MARITAL CAPTIVITY

What is it?

Why is it urgent?

Who deals with it?

Is there a solution?



## Femmes for Freedom

Jan van Nassastraat 102, 2596 BW  
The Hague, the Netherlands  
E: [info@femmesforfreedom.com](mailto:info@femmesforfreedom.com)  
T: +31 70 362 65 06  
W: [www.femmesforfreedom.com](http://www.femmesforfreedom.com)

You can also find us on:



# JOIN THE FIGHT AGAINST MARITAL CAPTIVITY!

## Do research

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

## Raise awareness

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

## Network/Lobby

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

## How can we help each other?

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

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

## WHAT IS MARITAL CAPTIVITY?

**Marital captivity** is a situation in which a woman in a **religious marriage** needs her husband's permission to divorce him, but he refuses to cooperate. In these situations, a secular court may have dissolved the civil marriage but the religious marriage continues to exist. As long as the wife is tied to her religious marriage, she is seriously hampered in her participation in society. Marital captivity often occurs jointly with other forms of both domestic and honor related violence.

## WHO DEALS WITH MARITAL CAPTIVITY?

Marital captivity happens within different religious communities, such as Jewish, Christian and Muslim communities. Both men and women can become victims of marital captivity. However, in practice we see that it usually affects women. This is caused by the **differences** and **inequalities** between men and women in patriarchal societies where gender inequality is the norm. For example, in Judaism, a divorce can only be initiated by the husband, not the wife.

## WHY IS MARITAL CAPTIVITY URGENT?

The right to marry is a fundamental human right. So is the **right to divorce and remarry**. Marital captivity is forced marriage: it forces women to stay in a marriage they don't want to be in. A woman's rights to marry, divorce and remarry are enshrined in:

**ECHR, ART. 8 AND 12**  
**CEDAW, ART. 16**  
**ISTANBUL CONVENTION, ART. 37**

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

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

## IS THERE A SOLUTION FOR MARITAL CAPTIVITY?

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

How was this done? Femmes For Freedom successfully launched a political lobby to **broaden the definition of forced marriage** to include marital captivity in the forced marriage bill in the Dutch Penal Code, therefore **criminalizing** marital captivity. Furthermore, marital captivity is now recognized in the Dutch Civil Code, **simplifying** the process of religious divorce. Femmes for Freedom further campaigned for better education and assistance, leading to several motions that helped provide **education, care** and **aid** to prevent marital captivity, help (potential) victims and educate professionals. But marital captivity is not only a Dutch problem, it exists in all 28 EU member states.