



Input from TERRE DES FEMMES to the Report of the Secretary General: „Ending child, early and forced marriage“

a) Prevalence of child, early and forced marriage in Germany

The first and only nationwide survey regarding cases of forced marriage in Germany was published in November 2011. Since then no new data has been collected. The results in brief: In 2008 3,443 persons sought counselling (93% of them girls and young women), 60% of which were threatened by forced marriage, while 40% had already been forced into marriage. 70% of the victims were below the age of 21 and 30% even below the age of 18. More than 50% of the affected persons had been or were at risk of being taken abroad in order to perform a forced marriage. 62% of the affected persons explicitly stated that they had experienced violence while growing up.

Solely for Berlin there are reference values: While 378 cases of threatened or executed forced marriage were counted in 2007, the number rose to 460 cases in 2013. That is an increase of 18%. It has to be noted though, that the number of interviewed institutions was 25% higher in 2013.

In 2007 victims aged 16-18 were the most affected group (38%). The majority of victims were female.

In 2013 victims aged 18-21 were by far the most affected group (38%). Victims aged 16-17 came second with a prevalence of 20%. Even for the group of 10-12 year olds, cases of threatened or executed forced marriage (3 girls/ 1 boy) became known. In total, 94% of the victims were female.

b) Best practices for programmes aimed at ending the practice and supporting already married women and girls

Since the issuance of the report of the Office of the High Commissioner for Human Rights on April 2nd 2014, several promising programs to end early and forced marriages in Germany have been developed.

In both 2014 and 2015, just before the summer holidays, the equal opportunities representative of the district Neukoelln in Berlin sent out letters to schools to raise awareness of possible forced marriages of female students during the summer break. Included was background information on forced marriage and information centres in Berlin.



In 2015 the equal opportunities representative of the district Friedrichshain/Kreuzberg in Berlin also sent such letters to schools in her area of responsibility. The nationwide sensation this caused suggests that other people will follow her example in the summer of 2016.

In 2014 and 2015, the women's rights organisation TERRE DES FEMMES developed an interactive play about honour crimes called 'My life. My love. My honour?' in cooperation with the theatre company 'Mensch: Theater' and the specialised counselling centre 'Yasemin'. The play was performed in 30 schools in the federal state of Baden-Wuerttemberg and was financed by the EU and the regional government of Baden-Wuerttemberg. In the four scenes of the play, the conflicts which are especially challenging for young adults living in patriarchal family structures are displayed: the control by family members, the prohibition of romantic relationships, forced virginity, and forced marriages. More than 1500 pupils could be sensitised to these topics and informed about their rights (in Germany) and their possibilities of seeking support.

Since September 2014, TERRE DES FEMMES has been advocating for the worldwide abolition of early marriages until 2030. TERRE DES FEMMES continually raises the public awareness of this human rights violation and engages in lobbying and advocacy activities, promoting the rights and the protection of girls who are affected by early marriage.

Since October 2015 TERRE DES FEMMES has been collecting signatures to achieve the enforcement of a minimum marriage age of 18 without exception in Germany. So far, it is still possible to obtain an exemption from the Family Court if the applicant is 16 and the spouse of full age. TERRE DES FEMMES' campaign "End Early Marriages" will take place until October 2016.

Another campaign concerning early marriages was started by the organisation 'Deutsche Stiftung Weltbevölkerung' (DSW) in the summer of 2015. On the occasion of the G7 summit they called on the German government to support the rights of girls.

c) Gaps in research and implementation and legal reforms

I would like to refer to TERRES DES FEMMES' submission from December 2013, which was drafted for the first OHCHR Report in 2014. With one exception (forced marriage overseas, see chapter d) all of the listed challenges are still valid. The essentials in brief:

In July 2011 the German Federal Government criminalised forced marriage as an individual statutory offence (Section 237 of the German Criminal Code), with possible prison sentences ranging from six months to five years. Likewise punishable is the abduction of girls with the purpose of marrying them abroad, as well as so-called „Holiday Marriages“. The mere attempt of such acts is already a criminal offence.

However, the implementation of the new law still causes difficulties. Pressing charges against the own family is already a serious obstacle. Even if prosecution is pursued, it is very likely that the proceedings are later closed for lack of evidence. The persons affected either make use of their right to refuse to testify or even withdraw their charge. Presumably the pressure exerted by the families becomes a considerable strain and thus an improvement in victims' protection is necessary.



Nevertheless it can be considered a positive development that there has been a first conviction under Section 237 in December 2014. A father was sentenced to a probation of one year after forcing his daughter into a marriage. The defendant withdrew the appeal so that the judgement became final in December 2015.

According to the public law, only civil and foreign marriages concluded under foreign law are recognised in Germany. In contrast, purely religiously concluded marriages are not recognised and no entry is made in the public registers. Hence religious marriages of persons under aged are neither punishable nor forbidden. In fact, underage victims are mostly married in such religious ceremonies and have to deal with the same consequences (physical and psychological violence, isolation, dropping out of school) as those who were married under civil law.

However, since 2015, there are some initiatives (by the Conference of Equality and Women's Ministers, as well as the Conference of Ministers of Justice of all regions in Germany) to close this legal gap and amend Section 237 of the German Criminal Code, to enable the punishment of forcing people into quasi-marital unions.

Persons whose right of residence is linked to that of their marriage partners have to stay married for at least three years to receive a separate and independent right of residence. Thus victims of forced marriages who fear expulsion have to endure a situation of violence for three years. Even though there is an exception for cases of hardship which allows the right of residence to be granted within the three-year period, such violence is hard to prove in practice and Aliens Departments rarely authorise this exception.

Due to the civil war in Syria, thousands of people are fleeing to Europe. Parents fear for the safety and future of their daughters and agree to marriages, concluded in haste and out of necessity. There are media reports of a rapid increase in the number of early marriages among the Syrian refugees. Often the husbands are at least 10 years older than their brides. Because of the high number of Syrian refugees applying for asylum in Germany, the government has to make a decision about how to deal with underage wives. There are two ways for them to come to Germany: 1. Underage wives (some aged 14-15) apply for family reunification after their husband's asylum application was accepted, 2. Underage wives arrive in Germany with their husbands and apply for asylum. In both cases it must be guaranteed that a guardian is appointed by the family court for the underage wives (at the request of the child protective service). Husbands are no suitable guardians, as they cannot act neutrally in the interest of the woman and constantly face a conflict of interest. Unfortunately, the appointment of a guardian for underage wives still does not occur regularly in Germany. Often child protective services are not informed about their entry. In addition, a large proportion of the concluded marriages involving underage persons are not compatible with the German Law.

As the only nationwide survey on forced marriage in Germany dates back to 2008, it would be advisable to start a new nationwide survey in Germany in 2018. In order to fully analyse the impact of the introduced criminal offence of forced marriage, as well as the codified right of return for girls and women who have been abducted and detained abroad in the context of forced marriage, it would be necessary to complement the study by the following points:



1. How many court proceedings and convictions occurred in relation to Section 237?
2. How many victims of forced marriage re-entered the country in relation to the extended right of return?

d) Policies related to this matter

In 2015 the crime of forced marriage was also included in the so-called catalogue of offences committed abroad against domestic legal interests. If a forced marriage that takes place abroad involves a person having his or her domicile or usual residence in Germany, it is subject to prosecution in Germany (Section 5 of the German Criminal Code). Thus a gap was closed that existed since 2005, when forced marriage was first punishable by law (as a very serious case of coercion).

Moreover a broad network of professional counselling centres, which support victims of forced marriage, has been established in Germany. To support this, there are various shelters and housing projects for young women (usually up to the age of 21) who are threatened by their families and fear for their lives. Thereby close cooperation between such counselling centres and housing projects, as well as the police and other authorities is of utmost importance. For this purpose every municipality has to develop an intervention chain. As an example I would like to mention the municipality of Hamburg, which has published an intervention guide for cases of forced marriage in 2014, where possibilities of interdisciplinary cooperation are stated.