

# Conference Documentation

Expert Conference  
VIENNA ACTIVE AGAINST  
**FORCED MARRIAGE**

**Thursday, 27 March 2008**

Vienna City Hall

An initiative by Sandra Frauenberger, Executive City Councillor for Women's Issues,  
within the scope of the EU Daphne programme

Frauen<sup>MA57</sup>  
Stadt  Wien



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## Programme

- 08.30 a.m. | **Registration**
- 
- 09.15 a.m. | **Opening** | Sandra Frauenberger, Executive City Councillor for Women's Issues of the City of Vienna
- 
- 09.30 a.m. | **Introduction** | Marion Gebhart, Department Head of MA 57
- 
- 09.45 a.m. | **Study "Forced and arranged marriages in Austria with special account taken of Vienna" – An overview** | Rossalina Latcheva, Centre for Social Innovation
- 
- 10.30 a.m. | **Internal working group on forced marriage of the Vienna City Administration – Activities and results** | Barbara Michalek, Head of the 24-hour Women's Emergency Hotline
- 
- 11.00 a.m. | **Questions, discussion**
- 
- 11.15 a.m. | **Coffee break**
- 
- 11.35 a.m. | **Frame conditions under civil and administrative law regarding forced marriage and possibilities of action open to MA 35** | Elisabeth Assmair, MA 35
- 
- 12.05 p.m. | **Measures taken and leeway for action by law enforcement** | Harald Hofmayer, Federal Police Headquarters Vienna
- 
- 12.35 p.m. | **Questions, discussion**
- 
- 12.50 p.m. | **Lunch break**
- 
- 14.15 p.m. | **Crisis and prevention work of the association "Orient Express"** | Sevim Gedik, "Orient Express"
- 
- 14.45 p.m. | **Integration policy measures taken by MA 17** | Ursula Eltayeb, MA 17
- 
- 15.15 p.m. | **Questions, discussion**
- 
- 15.30 p.m. | **Coffee break**
- 
- 15.45 p.m. | **Forced marriage as a problem of the Youth Welfare Office** | Renate Balic-Benzing, Department Head of MA 11
- 
- 16.15 p.m. | **Experience report by the School Psychology Division** | Christoph Teufel, Vienna Board of Education
- 
- 16.45 p.m. | **Questions, discussion**
- 
- 17.00 p.m. | **End of conference**
- 
- Moderator:** Brigitte Voykowitsch





## Conference inauguration by Sandra Frauenberger, Executive City Councillor for Integration, Women's Issues, Consumer Protection and Personnel of the City of Vienna

Good morning and a cordial welcome at Vienna City Hall! It gives me great pleasure that so many interested women and men have come here to discuss the issue of forced marriage, and I draw pride from the fact that this Daphne conference is taking place in the Austrian capital.

We here in Vienna have given a great deal of thought to the phenomenon of forced marriage and inter alia

commissioned a study that was already presented today within the scope of this conference. On the basis of this study, we wondered what concrete measures could be taken by the Vienna City Administration and accordingly defined potential action guidelines. The discussion of the issue of forced marriage – especially at the international level – is of pre-eminent importance. Forced marriage is first of all a form of violence; while it does involve aspects of integration policy, these

are secondary. Very often, forced marriage is treated as an integration-specific problem. It seems imperative to me to point out that forced marriage is a problem, not of integration, but of violence, and the City of Vienna in fact treats the phenomenon of forced and arranged marriages as such.

The women's policy goal of Vienna is a very concrete one: this is a city where women are to live safely, independently and self-determinedly. They must be safe from violence but also enjoy social security. A vital aspect in connection with the fight against forced marriage lies in making sure that the women affected, by securing their livelihood on their own, are empowered to live independently, can take their own decisions and hence may also say no.

The exchange between the working group on forced marriage and non-governmental organisations was another key concern. These organisations, counselling points and associations dispose of an incredible body of experience in assisting women affected or threatened by forced marriage, are familiar with many biographies of such women and have emphasised time and again that it is not enough to go through a "checklist", as it were, but that individual counselling plans and guidelines are called for in order to provide these women and girls with efficient assistance and support. We want both to offer our clients support through social and psychological counselling and, in due course, to accompany them reliably in the process of building a life for themselves. For this, we need experience but also a corresponding degree of awareness on the part of our staff. We have therefore created a special focus in our internal basic and advanced training programme for women and men confronted with the issue of forced marriage through their work for the Vienna City Administration.

As the Executive City Councillor in charge of women's issues and as a person who for many years was active on behalf of the Association of Viennese Women's Shelters, it was and remains a major concern of mine that underage females should receive the same care at Vienna's women's shelters as adult women do.

Women and girls affected or threatened by forced marriage in Vienna have the possibility of moving away from the threatening family environment and being sheltered by a specialised facility; Vienna's women's shelters offer female victims of violence and their children safe housing and comprehensive counselling and care. Moreover, the City of Vienna is funding a multicultural housing community for young women in emergency situations operated by the Austrian Kolping Society, where young women affected or threatened by forced marriage are likewise taken in and supported. Underage females are accommodated and cared for at the crisis intervention centres of Municipal Department 11 (Youth and Family Office). I may therefore say that all women and girls affected or threatened by forced marriage in Vienna can be suitably counselled and accommodated in a housing facility.

It is very important that young women above all know that contact points for assistance and support exist, and that their situation is not hopeless. Prevention efforts are vital here, and the information and service folder "Heiraten ohne Zwang" (Marriage without Constraint) provides a valuable contribution towards this goal. This folder, which is published by the City of Vienna and available as of today, contains information about the issue of forced marriage and an overview of institutions in Vienna that persons affected or threatened by forced marriage may turn to for help.

The more we inform affected women and girls about their possibilities and rights, the more women and girls will contact these counselling facilities. As a politician at the municipal level, I am aware that this may also call for additional resources – and these resources will have to be provided where needed.

The findings of the study commissioned by us one year ago show that not many cases of forced marriage are known here in Vienna. Yet this does not signify that forced marriage is inexistent in this city, merely that it is still considered a taboo subject in wide areas, above all among young women. For this reason, we not only wanted to develop action guidelines and strategies for dealing with this issue within the scope of the Vienna City Administration; rather, it was our deliberate goal to launch a parallel information push for public discussion of the phenomenon. Young women with a migration background often do not enjoy the same opportunities of participating in society as other groups do and thus have fewer possibilities to secure their own livelihood. If women and girls are to live safely, independently and self-determinedly in our city, this must be true of all women and girls, including those with a migration background. Thus measures designed to combat the phenomenon of forced marriage must definitely be complemented by measures to ensure the equality of these women before the law. I will not tire of pointing out that Austria definitely needs to introduce an independent residence title for these women because this is the only way to secure their independent access to the labour market. We also need dual citizenship for young people born in Austria, so that authorities can intervene if these women are taken abroad to contract marriage against their will. Moreover, the work with parents as well as integration work call for massive investments as well.

Our society expects us to guarantee women's rights, to empower women and to provide them with basic and advanced education. For young women, empowerment is the key to escaping from a continuous, restrictive spiral; for us, it is the key to finally abolishing this form of violence against women. As a city, we must face up to this responsibility, we must ensure that women thus affected will be counselled and assisted in their needs, we must create the legal frame conditions to support these women. I believe that they cannot travel this road on their own, and it is our political responsibility to ensure that they do not have to do so.

I wish you fruitful deliberations and am already looking forward to the results of this conference. Our concept is valid but must be constantly evolved as a process. We need more facts and figures, more case-related knowledge to continue fine-tuning this concept, last but not least to be able to attain our goal. This is why I place such high hopes in your discussions. I am delighted that you have come to Vienna and am sure that we will win the battle if we join forces. Thank you.





## Introduction: Marion Gebhart, Department Head of MA 57

On behalf of Municipal Department 57 of the City of Vienna – Promotion and Coordination of Women’s Issues, I wish you a good morning at this Daphne conference “Vienna Active Against Forced Marriage”. The Women’s Department of the City of Vienna is also the project partner of the EU Daphne project “Active Against Forced Marriage”, which I will speak about briefly later in my introduction. First of all, however, I would like to sketch the developments that have brought us – the Women’s Department of the City of Vienna – to the Daphne project and today’s conference.

Municipal Department 57 was set up in 1992 and is charged with a wealth of tasks focusing on the interests and needs of women and girls in Vienna. These range from a variety of services for women and basic work on women’s issues to the promotion of women’s associations. One topic that has particularly concerned us in our work right from the beginning is violence and the protection of women and girls in Vienna against violence. The Women’s Department not only funds associations active in this field, such as the Association of Viennese Women’s Shelters, but also operates its own services. One of these is the 24-hour Women’s Emergency Hotline of the City of Vienna.

This crisis intervention facility which is incorporated into the municipal administration can be reached around the clock, every day of the year, and offers female victims of violence information, counselling and accompaniment, which makes it unique not only for Vienna but for Austria as a whole. However, from its inception, the Women's Emergency Hotline did not limit itself to counselling women and girls thus affected but has also repeatedly addressed various other aspects of protection against violence and developed additional programmes. Typical examples include the curriculum "Violence against Women and Children", an interdisciplinary on-the-job training project for Vienna's hospitals aimed at sensitising and training hospital staff regarding the problem of violence against women and children and thus laying the basis for the establishment of victim protection groups; expert conferences such as the anti-stalking conference "Du entkommst mir nicht..." in 2003, which constituted a starting-point for the drafting of a federal anti-stalking law; and the public discussion of the problem of forced marriage and the threat forced marriage poses for women and girls in Vienna.

The Municipal Department for the Promotion and Coordination of Women's Issues commissioned a study on the issue of forced marriage, which will be presented today by one of the authors. The recommendations formulated in this study led to the setting-up of the internal working group on forced marriage of the Vienna City Administration. Many members of this working group are also here today and will likewise speak about their findings and the measures taken by their individual departments and divisions to combat forced marriage. International networking in this field is another crucial concern for us: participating in an international exchange of experience, developing good and best practice models, learning from other institutions and preparing joint

strategies are all essential – especially regarding the phenomenon of forced marriage. After all, forced marriage is no isolated problem of individual countries; rather, it is a problem that not only Europe but the world as a whole has to grapple with. Within the scope of our possibilities, we focus on the European region and were therefore highly interested in taking part in the EU Daphne project "Active Against Forced Marriage" approved by the European Commission in 2006.

The Daphne project is coordinated by the City of Hamburg; thus the kick-off event for the project took place in that city in 2007. In addition to the Municipal Department for the Promotion and Coordination of Women's Issues, both governmental and non-governmental organisations of the cities of London (UK), Hamburg (D), Amsterdam (NL), Utrecht (NL), Istanbul (TR), Stockholm (S) and Gerafingen (CH) have joined as project partners. Many of these partners are represented here today. The focus of the work done by the Daphne project lies on the one hand in providing sensitisation and training to address the issue of forced marriage and on the other hand in developing, as the final project outcome, a set of European guidelines to combat forced marriage and protect women and girls thus affected. A number of conferences have already been organised, and today's event here in Vienna will be followed by others. The concluding event of the project will take place in 2009, again in Hamburg. The set of guidelines developed in the course of the project to accompany the work of the various organisations in the individual countries will be presented on that occasion.

During today's conference, you will have the possibility to speak to and exchange ideas with the participants of the Daphne project, and I want to invite you to make use of this opportunity. Today's

event will focus on the steps and measures available in Vienna to combat forced marriage, which include not only services of the City of Vienna but also those of other Viennese facilities. However, the focus is always on the element of exchange and networking that the project “Active Against Forced Marriage” stands for, and I think we may justly be proud of being a project partner, making a contribution and learning from each other.

All that remains for me is to wish you a lot of success for today’s conference and to thank you for your attention.





## Study “Forced and arranged marriages in Austria with special account taken of Vienna” – An overview

### **Rossalina Latcheva, Centre for Social Innovation – Vienna**

This lecture is to offer a brief overview of the position, goals and conclusions of the study “Forced and arranged marriages in Austria with special account taken of Vienna” conducted by the Centre for Social Innovation on behalf of MA 57.

The following questions guided the inquiry and were dealt with through an extensive investigation of the

status quo of relevant literature and research as well as the analysis of interviews conducted with experts and persons affected:

1. What is the approach of social studies to this issue?
2. What is the current legal situation in Austria and internationally?

3. Which counselling and accommodation options exist in Vienna?
4. How do persons affected view their situation, and what are their experiences?
5. What prevention and intervention measures exist in Vienna, where do the deficits lie, and how can these be compensated?

The findings presented in the present project report are based on a three-tiered qualitative survey with several corresponding survey modules.

**Module 1** covers the theoretical literature with a special focus on both the international and the Austrian research status. In addition to a theoretical approach to the subject mainly to define the key terminology and clarify concepts, the national and international data stock was also included.

The complexity of the issue is reflected in the difficulty of harmonising the unambiguousness required from the legal standpoint with the myriad social realities. Thus it was necessary to also admit sociological studies as well as NGO reports on their experience and projects and to place their findings in the context of the current legal situation of persons affected by forced marriage.

It was the purpose of the study, by means of literature research, expert opinions and the affected persons' views, to compare the situation in Vienna to the international status quo and moreover to identify and present best practices in the fields of prevention and intervention.

Starting from the research findings obtained through Module 1, **Module 2** served to develop guidelines for the expert interviews.

These experts were selected according to the different dimensions of the phenomenon of forced marriage that were considered relevant for this report. Thus experts in the fields of counselling, law, administration, politics and science were interviewed.

In all, 20 expert interviews were conducted by the project collaborators; interview transcripts and evaluations were carried out in parallel. As a further step, these findings were collated with those of Module 1 to obtain an understanding of the current situation in Vienna.

**Module 3** prepared the ground for conducting interviews with affected persons. Existing contacts with migrant organisations and multipliers were used to gain access to potential interviewees. At the same time, interviewers speaking the same language as interviewees were selected and trained. Linguistic and psychosocial competencies were given special importance in the choice of interviewers. The three interviewers were qualified in the fields of law, psychotherapy and social work.

**Module 4** was designed to establish contacts with interviewees and to conduct and transcribe eight problem-centred interviews.

The interviewee group comprised persons directly affected; six of them were female, two male. Both forced and arranged marriages were dealt with.

**Module 5** served to create a structuring content analysis on the basis of thematically comparative cross-case dimensioning and creation of types (Kelle and Erzberger, 2004).

In **Module 6**, a situation report and catalogue of recommendations were developed by taking account of all findings established under the previous modules.

## On the definition of arranged and forced marriages

Forced marriage is a form of violence in the intimate social environment.

Violence against women is a phenomenon with a long tradition, whose manifold forms constitute a worldwide problem – forced marriage is one of these.

While a central sociological concept, violence as a phenomenon is difficult to grasp since its definition is dependent on political and socio-cultural influences and characterised by past and present power relations. “Violence occurs in ‘normal’ families and is perpetrated by ‘normal’ men, women, parents. All attempts to single out groups of risk factors, spot certain populations as being at risk and selectively determine causes of domestic violence must be viewed as failed” (Honig, 1992: 13).

Thus the definition of what constitutes a forced marriage is problematic for at least two reasons:

**first of all** because of the difficulties inherent in the concept of violence as such and

**secondly** because forced marriage is a particularly striking exemplification of the interplay with other aspects of social inequality.

At first glance, the **distinction** between arranged and forced marriages seems to be unambiguous: **the decisive element is the contracting of marriage due to the “consent” of both spouses:** “*Marriage shall be entered into only with the free and full consent of the intending spouses*” (UN, 1948b: para. 2).

However, any scan of the scientific literature (An-Na’im, 2000, García-Moreno and Jansen, 2005,

Rude-Antoine, 2005, Strassburger, 2005b, Toprak, 2005, UN, 2006) and the statements of the experts interviewed will result in a much more differentiated and problematic picture: “[...] *and all we can say clearly is that forced marriage can not be defined without reference to the definition of consent*“ (Rude-Antoine, 2005: 17).

Thus it is difficult to say whether and to what extent “consent” may be deemed to exist, if it can be influenced or shaped by socialisation, expected conformity with cultural norms and values or even by manipulation.

### Another problem lies in how to define “consent”.

Rude-Antoine tries to propose a definition that takes account of compliance between subjectively experienced and outwardly declared consent to a marriage: “*The existence of consent to the creation of the matrimonial bond depends upon consistency between two expressions of intent, inner and declared*“ (Rude-Antoine, 2005: 17).

This definition emphasises the limitations of provisions under marriage law, which cannot account for a possible divergence between these two dimensions.

These problems of delimitation also arise in scientific attempts to differentiate between arranged marriages and forced marriages.

Austrian law offers a clear legal definition of forced marriage, as it classifies forced marriage as “grave coercion”.

Under Austrian penal law, “coercion” is defined as an act that constrains another “by force or threat to actions, tolerations or omissions”, which also comprise coercion to contract marriage.

This opens up a massive difference as compared to scientific studies, which try to incorporate the subtle gradations and the influence of traditional practices and family structures.

However, jurisdiction cannot be aligned along fluid boundaries but needs clear definitions to formulate and enforce unambiguous laws. This illustrates the limits to legal definitions, which cannot take account of the potential difference between subjectively experienced and outwardly declared consent to a marriage.

### Structure of affected population and extent of problem – An approximate assessment

The following section summarises the most important basic data regarding the structure of the affected population and the problems of data collection.

Studies and reports by international organisations note that most victims are girls and women, chiefly from rural areas and economically deprived conditions.

In European countries, too, the number of girls affected is disproportionately higher than that of boys, although it should be mentioned that, due to the difficulties specified, there exist practically no studies on the extent of the problem.

In the migration context, the communities practising forced marriage may likewise be called marginalised.

All studies scanned point towards low educational attainments and an inferior or insecure job level among the persons and communities analysed.

For this reason, it is necessary to view the phenomenon of forced marriage also as a problem of social inequality;

this applies equally to the sociological approach and the public-political discourse.

The Austrian data stock on forced marriage is not ample. Currently, there are no studies explicitly dealing with forced marriage.

However, a growing number of policy papers try to illuminate the problem, present support facilities and measures for persons affected and discuss good practices (cf. Federal Ministry of Health and Women, 2005).

Quantifying assessments of the extent of the problem are provided by counselling facilities. NGO data show that the national origins of persons affected are manifold. Counselling centres report on cases from Albanian, Bosnian, Greek, Indian and Kurdish communities as well as Roma families.

Generally, it is remarked for Vienna that it is primarily women who are affected by this marriage practice.

It should, however, be added that the situation of boys and men affected or threatened by forced marriage is neither documented by a sufficient number of scientific studies nor dealt with by specifically oriented counselling facilities.

### Motivations for forced marriage

The UN “*In-depth Study on All Forms of Violence against Women*” (UN, 2006) views **patriarchy, defined as the “systemic subordination of women by men**, as a universal trigger of violence by men against women.

Patriarchal structures are regarded as ideologically and materially embedded, for “patriarchy has been entrenched in social and cultural norms, institutionalized

in the law and political structures and embedded in local and global economics” (UN, 2006: 28 f.).

Traditional practices are firmly anchored in patriarchal structures and considered as the basis of forced marriage and its justification by means of cultural norms.

**However, the UN definition does not view culture as a static, fixed given:** “Culture is formed by the values, practices, and power relations that are interwoven into the daily lives of individuals and their communities [...] culture is constantly being shaped and reshaped [...] the capacity to change is essential to the continuation of cultural identities and ideologies [...] Culture is not homogenous. It incorporates competing and contradictory values” (UN, 2006: 30).

On this basis, forced marriage is defined as a traditionalist and patriarchal interpretation of culture.

The UN study views this practice as part of “violence within the family” and classifies it among “harmful traditional practices” (cf. UN, 2006: 37 ff.).

These “harmful traditional practices” are posited as indivisible from culturally influenced value categories such as female virginity and – a related dictate – family honour (Mathur, 2003: 4 f., Rude-Antoine, 2005: 30, UN, 2006: 31, cf. WHO, 2002: 16). Rude-Antoine moreover emphasises that traditionalist-patriarchal family structures and the resulting obligation to always obey the father constitute an important motivation underlying forced marriage (cf. Rude-Antoine, 2005: 30).

The reasons for arranged and forced marriages can thus be primarily identified through the respective traditions and are not rooted in religion, although reli-

gion is used to legitimise the practice (cf. Toprak, 2005: 142).

But socio-economic conditions, too, may favour forced marriage: forced marriage is primarily practised by marginalised strata of society.

Often the early marriage of a daughter seems the only way to take a financial burden off the family and to ensure the economic well-being of a child (cf. UNICEF, 2005: 5 f).

The growing number of transnational marriages, too, is viewed in connection with the socio-economic factors underpinning such decisions. Transnational marriages, sometimes contracted under coercion, may be viewed as a new form of migration (Samad and Eade, 2003, UNFPA, 2006: 24).

Moreover, the experience of marginalisation fed by socio-economic disadvantages and discrimination in the migration context may entail retraditionalisation tendencies in families with a migration background.

Fear of losing one’s identity through migration reinforces the “attachment” to ancient traditions and may encourage forced marriage (cf. An-Na’im, 2000).

## Counselling and shelters

Counselling and shelter options for (potential) victims of forced marriage are offered by several facilities at several levels.

Such counselling and shelter options for women and girls threatened or affected by forced marriage are largely operated by associations.

The association “Orient Express” is often mentioned as a specialised facility.

In the context of the present study, interviews were conducted with experts whose work confronts them with women and girls threatened or affected by forced marriage.

In this, it was important to obtain an overview of the different approaches and methods applied by associations and public institutions in their everyday counselling practice.

In selecting the different facilities, attention was paid to providing the most comprehensive picture of prevention and intervention services possible.

The below overview of current practices and recommendations for future action is primarily derived from statements made by experts from the following institutions:

MA 11 – Youth and Family Office, Shelters, Section 6 (Nussdorf Crisis Intervention Centre for girls)

MA 11 – Youth and Family Office, Section 2 – Social Work with Families

Association “Miteinander Lernen – Birlikte Öğrenelim“, counselling, education and psychotherapy centre for women, children and families

Association of Viennese Women’s Shelters

Association “Orient Express“

Association “Peregrina“, counselling, education and psychotherapy centre for women immigrants

Vienna Children’s and Young Persons’ Representative

Domestic Abuse Intervention Centre Vienna

To get a grasp of the degree of involvement and the way of dealing with the phenomenon of forced marriage in the multifaceted field of extramural work with children and young people, MA 13 mailed a short questionnaire to various organisations active in the sector.

The information thus collected was viewed and integrated into the report as a whole.

In addition to describing the abovementioned organisations, the nationwide “Halt der Gewalt!“ women’s helpline against male violence – an initiative of the Austrian Women’s Shelter Network – was sketched in greater detail to give additional space to the experience of a phone counselling line.

Since no representative of the helpline was interviewed, the information was based on data published on the Internet [www.haltdergewalt.at](http://www.haltdergewalt.at).

The context in which three other services are confronted with the problem and try to deal with it through counselling was likewise presented in the report:

**the women’s counselling service (“Frauentelefon“),**

**the girls’ counselling service (“Mädchentelefon“),**

**and the 24-hour Women’s Emergency Hotline of the City of Vienna run by MA 57 (“24-Stunden-Frauennotruf“)**

It may be assumed that further associations and organisations are at least peripherally confronted with this issue.

The focus on forced marriages in the interviews was motivated by the fact that arranged marriages are usually not associated with violence. This circumstance reflects the definition problem permeating the experts' statements, as already thematised in the theoretical section. Here, too, it is impossible to exactly pinpoint the affected persons' true leeway for action.

The interviews with experts and persons affected, the analysis of available counselling and accommodation options as well as of national and international legal frame conditions and the sociological approach to the problem at hand were all drawn upon to develop a catalogue of recommendations referring to all levels of prevention and intervention as a conclusion to the study.

### Summary of number of cases (contacts) involving counselling and accommodation for persons threatened or affected by forced marriage (in Vienna, 2005/2006)

#### Counselling

Counselling facility	Number of cases
Association "Orient Express"	46 cases in 2005
Domestic Abuse Intervention Centre Vienna	15 cases in 2005
Vienna Children's and Young Persons' Representative	4 cases in 2005
Association "Peregrina"	2 out of 300 cases
Association "Miteinander Lernen – Birlikte Öğrenelim"	15 to 20 cases per year (in counselling)
Women's counselling service of the City of Vienna (MA 57)	3 to 5 contacts per year
Girls' counselling service of the City of Vienna (MA 57)	3 contacts in 2005
24-hour Women's Emergency Hotline of the City of Vienna (MA 57)	12 contacts in 2005
"Halt der Gewalt!" women's helpline	16 contacts in 2005
Out-of-school work with children and young people	26 to 39 cases per year

#### Accommodation and shelters

Shelter or accommodation facility	Number of cases
Nussdorf Crisis Intervention Centre	5 to 10 cases per year; 8 cases by October 2006
Association of Viennese Women's Shelters	In one shelter: 6 cases in 2005; 6 cases by October 2006

## 1 | DATA CAPTURING TO ASSESS THE EXTENT OF THE PROBLEM

### 1.1 | RECOMMENDATIONS FOR THE CAPTURING OF POPULATION-BASED DATA

So far, no representative survey of the prevalence of violence against women has been conducted in Austria. Thus the implementation of such a study is urgently called for.

In conducting a representative study of the prevalence of violence, the items used should be based on those of the German study “Health, Well-Being and Personal Safety of Women in Germany” (Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, 2004), since that work builds on methodological innovations of earlier prevalence studies.

In conducting a representative survey of the prevalence of violence against women, items aimed at measuring the prevalence of forced marriage must likewise be integrated. This calls for explicit operationalisation of the subjectively experienced consent to the marriage.

Representative prevalence studies are confronted with the problem of marginalised populations and persons with a migration background being mostly under-represented.

Interdisciplinary methodological workshops should yield proposals to improve access to persons with a migration background and implement these in regularly conducted surveys.

Another innovative possibility is the integration of items designed to record the prevalence of violence and of forced marriage into regularly conducted representative surveys, such as e.g. the micro census.

Following a suggestion made by Walby (2005), representative population surveys could be complemented with data from service facilities in order to obtain an overview of the prevalence of violence against women. Since these institutions also work with marginalised population groups, this might offer access to underrepresented groups.

### 1.2 | RECOMMENDATIONS FOR THE CAPTURING OF SERVICE-BASED DATA

In Austria, the data stock on the prevalence of forced marriage is exclusively composed of records kept by service facilities and NGOs, which however do not fine-tune their data capturing.

To be able to generate better, more easily comparable data, workshops to develop standardised documentation types for service facilities should be organised.

Statistics of the police and judiciary, with their case-to-case documentation, generally harbour the fundamental problem of not permitting adequate assessment of the prevalence of violence against women. Additional items addressing the frequency of violence could permit inferences regarding prevalence.

If an additional survey of the frequency of violence for the purposes of prevalence assessment should be conducted in the context of documenting police interventions, these data must be captured by psychologically trained officers.

The contacts of service facilities of the health and social sectors as well as of the police and administrative sectors with victims of violence should be surveyed to define potentials for improvement and action.

Any modification of the documentation methods used by the abovementioned service facilities also calls for

measures to protect victims, in addition to the deployment of specially trained staff.

Records on the issuing of certificates of no impediment to marriage or of authorisations to contract marriage do not differentiate by either age or sex and origin. A more differentiated recording of these factors may yield indicators of the prevalence of forced marriage, especially since a low age at marriage, according to experts from counselling and administrative bodies, points towards the marriage being a forced one.

Another point suitable for modification regards the documentation of marriages dissolved. While the act of dissolving a marriage per se is recorded, the reason is not given. This might offer another possibility for inquiry into the prevalence of forced marriage.

## 2 | PREVENTION IN THE FIELDS OF LAW AND ADMINISTRATION

Generally speaking, existing and newly created laws for the protection of women against violence should be evaluated.

Universally raising the minimum age at marriage to 18 years could constitute a potential measure to prevent forced marriages.

Marriages contracted abroad should be scrutinised more closely, and marriages not conforming to Austrian provisions should not be recognised. In general, the law of the place of residence should prevail over that of the country of origin.

Provisions under the law of residence and labour law must be amended so that women migrants will be given a residence title and access to the labour market independently of their husbands.

Nationality legislation should be amended by favouring *ius soli* (birthright citizenship) over the current principle of *ius sanguinis* (Latin for “right of blood”). As a result, children born in Austria would become Austrian nationals from birth; their nationality would not, as is currently the case, depend on that of their parents. Austrian nationals forced to contract marriage abroad may invoke intervention by the Austrian state, which then can (at least theoretically) step in and act.

Special concepts should be developed for applying the Violence Protection Act to migrants. For example, the standard approach for orders to leave in cases of domestic violence prohibits the perpetrator to return to the family dwelling for a specific period. Cases of domestic violence where the victim lives with the husband’s family and may be equally under threat from these persons require a modification of this approach and the transfer of the woman affected to a safe place.

The process of marriage annulment should be facilitated for forced marriages.

Women living in violent relationships should be granted, in any case and without exception, the right to soft questioning, which normally applies only to minors under 14 years of age and to victims of sex crimes.

The transfer of underage persons threatened by forced marriage to an unlisted shelter should be facilitated. At present, the staff of shelters for minors are obligated under the law to request the guardianship court to issue a communication embargo, which according to the experts interviewed is protracted and very complicated.

Training for the staff of service facilities, administrative bodies and the judiciary should improve their manner

of dealing with the victims of forced marriage. Information material providing guidance according to the British model (cf. Chapter 6 of the Situation Report, “Prevention and intervention”) could be distributed at such courses.

The setting-up of legal centres following the model of the “maisons du justice” in Belgium and France, where victims of forced marriage are given legal counselling, is recommended.

A competence centre specially focusing on domestic violence should be established within the police.

The police and judiciary should exclusively use the services of trained, sworn court interpreters.

### 3 | PREVENTION THROUGH INFORMATION WORK AND AWARENESS CREATION

To access isolated individuals, multilingual information campaigns should be conducted via TV and radio.

Schools and counselling facilities as well as various fields of the healthcare sector (physicians, hospitals, etc.) should offer comprehensive information to clients.

Vocational courses for young people or counselling facilities should offer information workshops, staffed with male counsellors, for fathers.

Teachers, too, should be provided with comprehensive training – possibly already at the university curriculum level – to ensure adequate awareness of the issue.

A minimum requirement concerns the use of specially trained staff (support teachers or school psychologists),

whose task would lie in sensitising other teachers and pupils and who, if need be, could act as local experts in the schools.

School projects following the model of the workshops organised by the association “Orient Express” should take place across all of Austria, as these projects can offer information about human rights in general and the rights of pupils in particular.

Working with parents is an important preventive component in which the Children’s and Young Persons’ Representative could be involved through the organisation of information and prevention projects.

German language classes specifically for women with a migration background should be promoted since mastery of the language facilitates access to information and help. Access to mothers could be easily gained through schools.

These German language classes could also take up the issues of violence and forced marriage and relay information about counselling facilities and legal frame conditions.

Representatives of migrant communities practising forced marriage should be trained and used as mediators and multipliers.

### 4 | PREVENTION THROUGH THE TRANSFORMATION OF TRADITIONAL ROLE MODELS

In general, girls with a migration background should be specially supported in their educational path, since the experts interviewed consider education a factor that may postpone marriage and moreover strengthen the girls’ position vis-à-vis their families.

Sensitising and gender-adequate work with boys is to question traditional role models and gender ascriptions.

Since violence against women and forced marriage are also justified by drawing upon religious arguments, which however have no basis in the respective sacred writings, targeted education measures to combat religiously motivated gender hierarchies and hierarchic gender roles should be developed.

A transformation of the concept of honour should be aimed at in those communities where “honour” is inextricably linked to the “virginity” and “purity” of women. Cooperation with these communities is essential for transforming this concept of honour. For this reason, it is imperative to collaborate with opinion leaders and role models of such communities.

Targeted, innovative measures should aim at cooperating with the significant stakeholders (communities and administration).

A monitoring concept to observe the prevalence of forced marriage should be developed together with representatives of communities in which forced marriage is practised.

Legal provisions punishing forced marriage can have the double effect of sanctioning but also preventing the phenomenon. Their effectiveness depends on whether communities practising forced marriage are sufficiently involved in the implementation process. Legal provisions implemented without this integrative approach may become “dormant law” if strategies to circumvent them are found.

Gender-specific violence within communities with a migration background can be combated effectively only if discrimination in all areas of society, too, is

fought. Systematic sanctioning of the discrimination of persons with a migration background is a prerequisite for safeguarding true integration and cooperation in bringing about changes concerning problematic issues within migrant communities.

## 5 | COUNSELLING AND INTERVENTION

Overall, specialised facilities to take in persons threatened or affected by forced marriage are urgently called for. To safeguard the stepping-up of assistance and shelter options, the financial support granted to counselling facilities should if possible be increased.

The maximum permitted stay of currently six weeks at crisis intervention centres (“clarification phase”) should be lengthened.

Another point that should be modified derives from the fact that persons who marry at an age younger than 18 years automatically come of age. As a result, they no longer are a competence of the youth welfare authorities although they are basically still at an age in which such measures should be available to them.

Already existing shelters and accommodation options should develop special care and assistance concepts for persons affected by forced marriage.

Supervised housing projects, too, should be promoted in addition to shelters.

Persons threatened or affected by forced marriage are under great pressure to meet the expectations of their family and community. Thus the various counselling facilities should offer them a reliable “safety net”.

Contact points set up e.g. at counselling facilities should promote the networking of persons affected by the problem.

Ensuring the safety of counsellors should be optimised by means of special safety arrangements.

The currently existing training options for medical staff confronted with the sequelae of injuries and the psychological consequences of domestic violence should in particular also cover the problem of forced marriage in order to be able to offer victims of forced marriage adequate assistance.

Specialised counselling for boys and men that also offers gender-sensitive work with men and anti-aggression training should be intensified.

Multilingual counselling services and accommodation options for victims of violence should be increased.

The training of counsellors who are also native speakers of clients' languages should be stepped up.

## Conclusion

Violence against women is a phenomenon with a long tradition, whose manifold forms constitute a world-wide problem – forced marriage is one of these.

Compared to other forms of violence, forced marriage is not the most frequent expression, but combating it is as necessary as the fight against all other forms of violence.

Forced marriage cannot be justified by invoking traditional cultural or religious value concepts.

Awareness of this fact must be stimulated among the public at large without, however, placing the phenomenon outside the overall context of violence against women.

This understanding must permeate all strata of society without discriminating against specific groups of persons or postulating specific forms of violence as a problem of “the others”.

However, the concept of “traditional violence”, which is used in the political-public discourse both in Austria and at the European level, implicitly attributes sexism and the readiness to use violence to “the others” (migrants) and, above all, to “the other religion”.

Yet this choice of terminology turns a blind eye to the fact that sexualised and structural violence against women exists in Western societies as well.

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## Internal working group on forced marriage of the Vienna City Administration – Activities and results

### **Barbara Michalek, Head of the 24-hour Women's Emergency Hotline**

Good morning, ladies and gentlemen, dear colleagues!

I would like to present the activities and results of the internal working group on forced marriage of the Vienna City Administration and then speak in greater detail about the 24-hour Women's Emergency Hotline of the City of Vienna inasmuch as its work involves forced marriage.

On the basis of the recommendations formulated in the study "Situation Report & Catalogue of Recommenda-

tions – Forced and Arranged Marriages in Austria with special account taken of Vienna", the working group on forced marriage was established by the Executive City Councillor charged with women's issues as an internal coordination and working group of the Vienna City Administration. The working group took up its activities in April 2007 under the aegis of Municipal Department 57. By January 2008, the working group participants had conducted a total of eight working meetings. During this period, two meetings with the already existing working party on forced marriage,

which is mainly composed of such institutions as the association “Orient Express”, the Domestic Abuse Intervention Centre Vienna, the Association of Viennese Women’s Shelters and the Vienna Children’s and Young Persons’ Representative, were organised as well. These meetings served the purpose of exchanging experience and reflecting on existing cooperation activities.

The participants of the internal working group on forced marriage of the Vienna City Administration are representatives of municipal departments to which persons affected or threatened by forced marriage might turn to. These include Municipal Department 11 (Youth and Family Office), Municipal Department 13 (Education, Out-of-School Activities for Young People), Municipal Department 15 (Public Health Services of the City of Vienna), Municipal Department 17 (Integration and Diversity), Municipal Department 35 (Immigration, Citizenship, and Registry Offices), Municipal Department 57 (Promotion and Coordination of Women’s Issues), the Vienna Children’s and Young Persons’ Representative, the Vienna Board of Education and the Vienna Women’s Health Programme.

The objectives of the working group followed the key recommendations of the study “Forced and Arranged Marriages in Austria with special account taken of Vienna”; above all, persons affected or threatened by forced marriage were to be provided with an optimised assistance and intervention network within the Vienna City Administration.

The working group was to agree on a definition of what constitutes a forced marriage, i.e. to clarify the outlines of the issue to be tackled. Instances of when the individual departments come into contact with the phenomenon of forced marriage were to be pinpointed, and the existing resources and expertise available within the Vienna City Administration were to be identified

with the twofold objective of obtaining an overview and ascertaining which measures still need to be taken to be able to safeguard optimum support for persons affected or threatened by forced marriage. Moreover, the working group also set itself the task of planning and implementing a uniform statistical record of cases of forced marriage. In addition, action guidelines were to be developed to offer the staff of the respective municipal departments some basic orientation and help to enable them to react and intervene adequately and professionally.

### Defining the concept of forced marriage

Forced marriage is a form of violence. The types of violence employed in connection with forced marriage are manifold and “multi-layered”, ranging from manipulation, psychological pressure, blackmail, control and isolation to threat – including grave coercion by threatening serious bodily harm or even death –, physical and sexualised violence, and rape. Forced marriage contradicts Article 16 para. 2 of the Universal Declaration of Human Rights and hence constitutes a violation of human rights. Moreover, forced marriage infringes the Austrian legal system and was made a criminal offence (“grave coercion”) under Austrian penal law as per 1 July 2006.

Both during the discussion on how to define forced marriage and during the later course of its activities, the working group repeatedly addressed the distinction between forced and arranged marriages. The line between forced and arranged marriages is blurred and often hard to grasp, as a clearcut, unequivocal demarcation frequently does not exist. In the end, we agreed that an arranged marriage – contrary to a forced marriage – must offer both future spouses at any moment of the proceedings full freedom of deciding whether or not to contract marriage, without threatening or implying sanctions.

## Statistical recording of possible cases of forced marriage

The working group started from the assumption that the exact documentation and statistical recording of possible cases of forced marriage will bring about sharper perception, identification and visibility of the problem. The study “Situation Report & Catalogue of Recommendations – Forced and Arranged Marriages in Austria with special account taken of Vienna“ likewise emphasised the importance of comparable data derived from fine-tuned, standardised and uniform documentation and data capturing.

After some discussion, we agreed, when talking about cases of forced marriage, to distinguish between imminent and actually contracted forced marriages and to statistically record both these items. We are aware that multiple counts will happen and in fact are inevitable. However, we did agree that the multiple counts to be expected would lose their relevance in view of the – certainly much higher – estimated number of (not reported or captured) cases.

Furthermore the working group was not solely motivated by obtaining concrete figures but mainly by creating awareness, greater sensitivity and actual “recognition” for the problem of forced marriage through documentation and data capturing.

Since 1 January 2008, the municipal departments and divisions represented in the working group have been statistically recording cases of “imminent forced marriage” and “actually contracted forced marriage” as the two applicable categories.

## Action guidelines

Another important objective of the working group was to develop action guidelines to handle cases of forced

marriage. These action guidelines were to provide some orientation that would provide the municipal staff faced with actual critical situations with help and greater reliability in tackling the problem, thus ensuring the best possible professional management of such situations. Due to the heterogeneous composition of the municipal departments participating in the working group with respect to their approach, mission and competencies, we arrived at the realisation that ONE set of action guidelines for all municipal departments is neither possible nor useful. Every department represented in the working group thus developed its own action guidelines, in keeping with the different intervention possibilities and specific requirements.

## Accommodation and shelters

Forced marriage is a form of violence and constitutes a danger to the persons affected or threatened by it. Often it is necessary and in fact desired by the persons thus affected that they should leave the family environment embodying this threat. Towards this purpose, Vienna not only offers counselling and information but also accommodation options for persons affected or threatened by forced marriage:

The four facilities operated by the **Association of Viennese Women’s Shelters** provide accommodation and support for women affected by domestic violence aged 18 or older. The women’s shelters guarantee safe and anonymous refuge and professional assistance.

The **Austrian Kolping Society** runs a multicultural housing community for young women in emergency situations arising from family conflicts, in particular when threatened with forced marriage. The young women must be aged 18 or older.

**Municipal Department 11** offers underage girls and boys accommodation and care at its crisis intervention centres.

### Sensitisation measures

Sensitisation, awareness creation and training for all departments and divisions involved are imperative in dealing with clients and also to ensure that all measures to combat forced marriage will function efficiently.

Internal sensitisation within the individual municipal departments was attained simply by having working group participants communicate the topics and measures discussed in the meetings to their respective offices, thus informing their colleagues. Moreover, the development of action guidelines by the individual departments led to an in-depth confrontation of the issue of forced marriage. Statistical recording and the application of the action guidelines kept the issue of forced marriage in the field of attention; thus the sensitisation and, above all, learning process will continue in the future.

Through our working group, we have come to realise that the departments and divisions of the City of Vienna have already amassed a significant body of specialised knowledge and expertise relating to forced marriage. Each of the municipal departments represented in the working group has prepared a schedule of training programmes and lectures on its specialised knowledge for the various other departments involved; several of these internal training and sensitisation courses have already taken place.

Sensitising wide circles outside the Vienna City Administration is another major concern of the working group.

Another awareness-creating measure envisaged by the working group on forced marriage is the compilation of an information and service folder on forced marriage. It is a great pleasure for me to present the end result at this conference. The folder “Heiraten

ohne Zwang“ (Marriage without Constraint) is to promote awareness creation, information and sensitisation relating to this issue. It was developed for persons affected or threatened by forced marriage as well as for multipliers, contains thematically relevant information and lists key contact points in Vienna. The folder will be available at municipal offices and institutions such as schools, youth centres, counselling points, etc. in order to reach the greatest number possible of multipliers and, of course, persons affected or threatened by forced marriage.

### The future of the working group on forced marriage

Two or three networking meetings per year will continue to be held; it is also planned to invite other counselling points and institutions confronted with the issue of forced marriage as well as the working party on forced marriage for an exchange of expertise and to build new cooperation ties. Other desiderata include networking and cooperation with representatives of the police and judiciary.

At this point, I would like to cordially thank all working group participants for their efficient and constructive cooperation and commitment. I am happy about these developments and also find it very important for us to continue our exchange and to reflect on and evolve the measures taken by us.

### 24-hour Women’s Emergency Hotline and forced marriage

In the second part of my lecture, I would like to present the 24-hour Women’s Emergency Hotline and its work with regard to forced marriage.

The 24-hour Women’s Emergency Hotline is a crisis intervention and counselling point for women and

girls aged over 14 years affected by sexualised, physical and/or psychological violence. Counselling is extended to women and girls thus affected by psychologists, social workers and lawyers – around the clock, every day of the year, by phone, in person or online. Relatives, friends or acquaintances involved may likewise ask for counselling by the Women's Emergency Hotline.

Within the scope of their crisis intervention work, the staff of the 24-hour Women's Emergency Hotline accompany clients to the police to make a report, to a hospital or physician for primary medical care or a forensic examination as well as, if required, to a court hearing.

### Forced marriage

Since 1 July 2007, the 24-hour Women's Emergency Hotline has been statistically recording the two items "imminent forced marriage" and "actually contracted forced marriage". In cases of forced marriage, measures are taken according to action guidelines I will now sketch briefly.

With regard to forced marriage, the 24-hour Women's Emergency Hotline views itself chiefly as a point of first contact and crisis intervention for women and girls thus affected, as its around-the-clock staffing makes it possible to offer counselling, information, clearing and adequate relaying of clients to other facilities.

### Action guidelines for dealing with forced marriage

The first contact with the Women's Emergency Hotline is almost always by phone; in exceptional cases, this may also involve e-mails or a chatroom. If the caller consents, she is offered a counselling appointment in person. Clients do not always agree to

this proposal and are thus counselled "only" by phone. Thus the action guidelines for dealing with forced marriage apply to both phone and in-person counselling. Of course, counselling sessions cannot follow a rigid sequence of rules, as situations may differ vastly and clients do not always bring up forced marriage as the reason behind their call; thus counsellors sometimes become aware of the motive for the call only after some time of talking to the young person.

**The following important areas and phases must be observed in any case:**

**Clarify the concrete reason behind the call:** why has the person affected or threatened or her relative/friend contacted the Women's Emergency Hotline? What is the actual trigger? This issue must be clarified as efficiently as possible.

**Ask for the client's age:** especially in cases of forced marriage, age makes a big difference for the network of actions and interventions to be launched.

**Where is the person affected at the moment of calling?**

Is the momentary situation of the caller dangerous or might it become dangerous? For example, are the persons threatening the client in an adjoining room or waiting outside the school building?

**Is there any acute danger?** Has the person been exposed to serious threats, physical assault, psychological pressure or manipulation? What person is the main source of danger? What dangerous actions have already occurred, and what precisely does the client fear? At this point, it is very important to take the fears and subjective feelings of the person affected seriously.

Are there arms of any kind involved; are there family members with a criminal record; have forced marriages already occurred in this family?

According to our experience, the danger also increases when these young women begin to show interest in boys or actually have a boyfriend. In such a situation, the family often presses for a marriage.

**Life situation:** which school does the young person affected attend, if at all? Does she hold down a job, and if so, where?

It is also very important to clarify the social resources of the persons concerned: are there any individuals outside the potentially hazardous family environment such persons may turn to (such as a friend or teacher)?

**Clarify needs:** what does the person affected want? What can we do for her? What steps is she ready to take? Do we have to relay her to another institution?

**Clarify the urgency of escaping from the family environment/making use of outside accommodation:** can the person affected still return to her home or is she in acute danger, thus necessitating outside accommodation?

**Discuss an emergency plan and protection measures:** it is also important to explain the role of the police and to make the person affected understand that the police is in charge for whatever hazardous situation might occur and can be reached around the clock by calling 133.

Often clients are afraid of contacting the police for a variety of reasons – usually, these fears have been fomented by the family environment exerting pressure on the youngster. It is essential to take these fears seriously, to discuss and relativise them. Potential emergencies and the actions to be taken must be discussed in detail with the person thus affected (e.g. get hold of her identification papers, have money and her mobile phone ready, etc.). Keeping emergency phone numbers always with her is likewise essential (e.g. Youth and Family Office,

Crisis Intervention Centre, Association of Viennese Women's Shelters, Women's Emergency Hotline, etc.).

**Offer concrete support:** if the person affected requires accommodation outside the family home, we are ready to contact the facility, announce the arrival of the client and accompany her to the place. If she does not agree to this (which happens quite often), we offer her a personal one-on-one talk at the Women's Emergency Hotline to inform her once more in greater detail and in a relaxed setting about the various available possibilities and to clarify the next steps.

By way of conclusion, I want to remark that it is important for both the working group and the 24-hour Women's Emergency Hotline of the City of Vienna to integrate the issue of forced marriage into their everyday work routines. The fears and situation assessments of persons affected or threatened by forced marriage must be taken seriously; we must strengthen these persons in saying no and communicate to them that the right to decide when, whether and whom they are to marry lies with them and with no-one else.







## Frame conditions under civil and administrative law regarding forced marriage and possibilities of action open to MA 35

### **Elisabeth Assmair, MA 35**

Due to its scope of competencies, Municipal Department 35 – Immigration, Citizenship, and Registry Offices (MA 35) may be confronted with the issue of forced marriage in manifold ways. On the one hand, this may be at registry offices, e.g. in connection with the issuing of certificates of no impediment to

marriage, applications for a marriage license and the solemnisation of marriages; on the other hand, the aspect of immigration may also be involved through the granting of residence titles.

The first part of this lecture deals with important civil law aspects relating to the contracting of a marriage. In addition to private international law, the paper addresses key provisions of marriage law and personal statute law.

Provisions relating to settlement and residence become important in connection with forced marriage if they involve family reunification. An overview of the salient applicable provisions under settlement and residence law is followed by a consideration of the effects of separation on the reunified partner since, for the first five years after reunification, the right to reside in Austria derives from the reunifying person's (sponsor's) right of residence.

Moreover, the presentation focuses on possibilities for action open to Municipal Department 35 as well as on measures taken by it in relation to forced marriage in order to generate awareness and offer optimum support for persons threatened or affected by the phenomenon.

### Introduction

In addition to an analysis of cultural norms and traditional practices, an in-depth approach to the issue of forced marriage also calls for a discussion of the role and effects of legal provisions in relation to forced marriage.

The applicable legal instruments are composed of treaties under international law and international recommendations on the one hand and of national statutory provisions on the other hand. Relevant national legal instruments include private international law, civil law, penal law and administrative law.

### International legal instruments

The relevant international conventions, recommendations and declarations (e.g. the Universal Declaration of Human Rights, CEDAW – Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child) are dealt with in detail in the presented study “Forced and Arranged Marriages in Austria with special account taken of Vienna”.

They all have in common the following principles pertaining to forced marriage:

- every individual has the right to found a family;
- a marriage can only be entered into with **the free and full consent of both parties**;
- a **minimum age at marriage** must be set; States that agree to these instruments must ensure that their provisions are implemented and observed.

The extent to which these supranational legal instruments are taken account of in national regulations and laws as well as the consequences of their implementation are dependent on several factors, such as the degree to which they are legally binding.

### National legal instruments

As already mentioned, private international law, civil law, penal law and administrative law are among the national (Austrian) legal instruments of relevance in connection with forced marriage.

Within the scope of indirect federal administration, these laws are enforced in Vienna by Municipal Department 35 in the fields of

- **immigration** (settlement and residence of aliens in Austria);
- **citizenship** (citizenship legislation of the Federal Province and City of Vienna);
- and **registry offices** (implementation of legal provisions pertaining to marriage, naming and the registration of births, deaths and marriages, etc.).

The individual areas of law will be dealt with in greater detail below.

Registry offices are confronted with the issue of forced marriage through such areas as private international law, marriage law, personal statute law and others.

### Private international law

Despite its name, private international law (PIL) is a national legal instrument that clarifies what legislation is to be applied in cases of an international nature.

It is a highly complex field of law that, put succinctly, stipulates that

1. marriages contracted in Austria must comply with Austrian formal requirements;
2. the preconditions for the contracting of a marriage as well as for its annulment or dissolution must be examined for either intending spouse according to his or her personal statute;
3. the legal effects of marriage on a person (e.g. potential change of surname, form of conjugal community, maintenance payments, etc.) must be examined either according to the (last) common personal statute or according to the laws of the country of permanent residence of the spouses.

Ad 1.: **In Austria** as in most other European countries, the law of the state in which the marriage is contracted applies with regard to formal requirements. If a marriage thus takes place in Austria, it must therefore be contracted in the manner provided for under Austrian law, irrespective of the spouses' nationality.

Formally, marriages in Austria are contracted when the fiancés appear together in person before the registrar and declare that they want to contract marriage with each other.<sup>1</sup>

### Ad 2.: Personal statute

According to PIL, the personal statute of a physical person is the legal system of the country whose citizen this person is. If a person is an Austrian citizen in addition to holding another nationality, the Austrian citizenship laws shall apply, while persons with multiple nationality not including the Austrian are to be governed by the citizenship laws of that country with which they maintain the strongest ties.

If a person is stateless or if his or her nationality cannot be ascertained, that person's personal statute is the legal system of the country of his or her habitual abode. The personal statute of a person who is considered a refugee under the international conventions applicable in Austria or whose ties to his or her country of origin were disrupted by comparably serious reasons shall be the laws of that country in which he or she resides or, absent that, in which he or she has his or her habitual abode.<sup>2</sup>

PIL decrees that the preconditions for contracting, annulling or dissolving a marriage must be assessed for either fiancé according to his or her personal statute. The significance of this rule is explained below on the basis of two examples:

### Right to contract marriage of a person with Austrian personal statute vs. that of a person with Romanian personal statute

According to Austrian law, a person may contract marriage if he or she is of marriageable age and legally competent. Austrian law stipulates that both males and females come of age (and hence may marry, thus acquiring full legal capacity) upon completion of their 18th year. Between the ages of 16 and 18, they are minors and hence require a legally valid authorisation by a court of law to contract marriage.

Upon request, courts of law may authorise a person to marry

- \_ if the future spouse is already of age and the younger person seems mature enough to contract marriage

and

- \_ if the legal guardian agrees to the marriage.

According to Romanian law, the minimum age at marriage is 16 years for females and 18 years for males. If therefore a 16-year-old female Romanian citizen wants to contract marriage in Austria, this is possible without any specific authorisation issued by the court because Austrian law subjects itself to the personal statute (nationality) of the individual involved.

However, public policy comes into play here. This means that provisions under foreign law shall not be applied if their application would lead to an outcome incompatible with the fundamental values embodied in the Austrian legal system. In this case, the corresponding provision under Austrian law is to be applied instead.

### Different provisions applicable in various European countries

Different European national states apply different rules when deciding on the material prerequisites for contracting marriage (determination of capacity to contract marriage, exclusion of impediments to marriage, etc.), i.e.:

- \_ the law may favour the personal statute of the intending spouses (e.g. Austrian law);
- \_ the law of the spouses' country of residence may apply (e.g. Norwegian law);
- \_ intending spouses may choose between the personal statute and the law of their country of residence (e.g. Spanish law).

In the opinion of experts, giving preference to the law of the country of residence would be better suited to protect families and in particular women with a migration background<sup>3</sup>.

### Civil law

National civil law (marriage law, personal statute law, etc.) governs both the requirements for contracting marriage and the frame conditions for dissolving a matrimonial bond. A few individual rules under civil law were already dealt with in connection with private international law.

Provisions under civil law are of relevance for two types of individuals: persons contracting marriage in Austria on the one hand and persons with Austrian personal statute contracting marriage abroad on the other hand.

In **case of a planned marriage to be contracted in Austria**, all persons, irrespective of their personal statute, must turn to the competent Austrian registry

office for the purpose of registering their intention to marry.

**If a person with Austrian personal statute** (Austrian citizens, refugees under the Geneva Convention recognised as such in Austria, stateless persons and persons of unclear nationality whose place of residence or, at least, whose habitual abode is in Austria) **is to be married abroad, a certificate of no impediment to marriage** must be issued after clarifying whether the person actually has the capacity to contract marriage. To determine the capacity to contract marriage, the papers of both parties are needed in any case, since an Austrian certificate of no impediment to marriage confirms that no obstacle to the respective intending spouses' intention to contract marriage exists under Austrian law.

Persons who live in Austria but are not subject to the Austrian personal statute and who wish to marry abroad do not need to contact an Austrian registry office.

#### **Procedures to determine a person's capacity to contract marriage**

The intending spouses' capacity to contract marriage is determined in advance in the course of an oral hearing conducted by the registry office on the basis of the documents submitted. This occasion also serves to verify whether a prohibition to contract marriage applies.

**Prohibitions to contract marriage**<sup>4</sup> include:

##### **– Consanguinity**

Marriage may not be contracted between direct-line blood relatives (e.g. father and daughter) or between siblings or half-siblings. This also applies if consanguinity arises from illegitimate birth.

##### **– Adoptive relationship**

Neither may marriage be contracted between an adoptive father or mother and his or her adoptive child as long as the adoptive relationship has not been dissolved.

##### **– Bigamy**

Nobody may contract marriage as long as he or she still remains married to a third party. In this context, it is immaterial whether the spouses actually cohabit or not. What is decisive is that the prior marriage was not divorced, annulled or dissolved due to the death of the first spouse.

The procedure to determine the capacity to contract marriage may be conducted **six months before the requested marriage date at the earliest**.

This task lies with the personal statute authority in whose area of competence one of the intending spouses is resident or has his or her habitual abode. Principally, both intending spouses should be present when the capacity to contract marriage is determined and the application for a marriage license is made.

In justified exceptions (e.g. sojourn of an intending spouse abroad, etc.), only one of the intending spouses may contact the registry office. In this case, the other intending spouse must submit a written "declaration to determine the capacity to contract marriage".

If such a declaration is submitted abroad, the signature of the intending spouse sojourning abroad must be authenticated as genuine (by the representative Austrian authority or a notary public).

If it appears that a planned marriage might be a forced one, staff members of representative Austrian authorities should employ the utmost sensitivity in their actions.

After the capacity to contract marriage has been established, a certificate of no impediment to marriage is issued for persons with Austrian personal statute if these want to marry abroad, or, if the marriage is going to be contracted in Austria, the date of the marriage ceremony is determined.

In those cases where at least one intending spouse is a third-state national resident in Austria, the registry office determining the person's capacity to contract marriage is obligated under Art. 38 para. 2 of the Personal Statute Act to communicate this fact to the competent immigration authorities.

#### Problems in connection with forced marriage

- In the case of minors, the court of law issues an authorisation to contract marriage that serves as the basis for determining the person's capacity to contract marriage.

Experts recommend that the court, before issuing an **authorisation to contract marriage for a minor**, should seek the opinion of the Youth and Family Office<sup>5</sup>.

- If they have been brought abroad for the purpose of being married, Austrian nationals may turn to the representative Austrian authorities and request their return to Austria.

However, this does not apply to persons who e.g. were born in Austria and have only spent their holidays in the country whose citizenship they yet hold.

In order to resolve this problem, experts suggest that nationality legislation should be amended by favouring "ius soli" (birthright citizenship) over the current principle of "ius sanguinis" (Latin for "right of blood").

#### Leeway for action by MA 35

Vienna's registry offices feature posters ("Against Forced Marriage") of the association "Orient Express" to create greater awareness of this problem.

Registry office workers were trained to sensitise them to the issue of forced marriage.

In pre-marriage procedures, special attention is paid to minors. In the context of a one-on-one talk,

- they are asked whether they fully consent to the planned marriage;
- they are told that nobody may/can be forced to contract marriage;
- they are informed about counselling facilities they may turn to if necessary (folders, stickers, phone numbers);
- they are also told that Austrian citizens may contact the representative Austrian authorities if they are to be taken abroad for the purpose of being married.

#### Administrative law – Settlement and residence legislation

Provisions pertaining to settlement and residence legislation are relevant in connection with the problem of forced marriage if they involve family reunification.

According to the Settlement and Residence Act in force since 1 January 2006, the right of settlement of family members in the first five years of their stay derives from the entitlement of the reunifying person (sponsor).

In this, a distinction must be made whether such cases involve family members of Austrian, EEA or Swiss nationals permanently resident in Austria or those of third-country nationals resident in Austria.

**The residence title “family member” is granted to spouses** of Austrian, EEA or Swiss nationals permanently resident in Austria.

This title entails unrestricted access to the labour market and may be prolonged by 24 months per application after having received a 12-month residence permit twice in a row.

After five years’ stay in Austria, they may be granted the residence title **“permanent residence – family member”**.

Family reunification may be requested for spouses (aged at least 18 years) and unmarried underage children of third-country nationals resident in Austria. These are first granted the residence title “settlement permit – restricted” and, depending on the residence title of the reunifying person, may be granted the title “settlement permit – unrestricted” after 12 months. Hence such persons only have access to the labour market in the first 12 months of their stay if they dispose of corresponding permits according to the Aliens Employment Act.

This results in the following differences regarding family members of third-country nationals resident in Austria and family members of Austrian, EEA or Swiss nationals:

#### **Quota rules -> waiting period**

Every year, the federal government stipulates quotas that are assigned to each federal province for granting the different residence titles, e.g. for the purpose of

family reunification. While the immigration of family members of Austrian, EEA or Swiss nationals is exempt from quotas, family members of third-country nationals may only immigrate if the respective quota has not been exhausted yet, which may entail waiting periods.

#### **Access to the labour market**

While family members of Austrian, EEA or Swiss nationals are granted immediate access to the Austrian labour market, this applies to family members of third-country nationals only if they dispose of additional documents under labour law. Yet access to the labour market is a key prerequisite for “exit strategies” to escape a forced marriage (see below).

#### **Minimum age of spouses**

Spouses of third-country nationals may only immigrate to Austria if they are at least 18 years old. The introduction of this minimum age for the reunification of a spouse is frequently discussed as a possibility to prevent forced marriages, as most persons affected by forced marriage are quite young or even minors.

The Netherlands e.g. has introduced a minimum age of 21 years for family reunification. However, the scientific community has raised the question of whether provisions under alien legislation (such as the introduction of a minimum age limit) actually help to prevent forced marriages, or whether this only causes such marriages to be delayed.

#### **Granting of residence permit after two years’ stay in Austria**

While the residence title of spouses of third-country nationals must be applied for annually, the residence title of spouses of Austrian, EEA or Swiss nationals

may be prolonged by 24 months after having received a 12-month residence permit twice in a row.

### Material requirements for all settlement and residence titles

Persons applying for a title to settle and reside in Austria must comply with a series of material requirements:

- legal proof of accommodation in keeping with local standards (e.g. tenancy contract);
- legal proof of having concluded a health insurance plan valid in Austria;
- minimum monthly income according to Art. 293 of the General Social Security Act (ASVG): currently EUR 747.- for one person and EUR 1,120.- for a couple;
- moreover, such persons must not constitute a danger to public order.

### Possibilities for remaining in Austria after a separation or divorce

As already mentioned, the right of residence of family members in the first five years of their stay derives from the reunifying person's right of residence, which assumes enormous importance in case of a separation.

In this context, the Austrian Settlement and Residence Law provides for the following exceptions:

- family members are able to comply with the material requirements out of their own pocket (by meeting such requirements as e.g. a monthly income);

- death of the reunifying person;
- divorce due to a fault of the reunifying person;
- grounds meriting special consideration (e.g. domestic violence).

Moreover, there exists the possibility of applying to the governor of the respective federal province to request a residence permit to be issued for humanitarian reasons by the Federal Ministry of the Interior.

This presupposes that the person in question is already staying in Austria. The application must contain a detailed overview of the humanitarian grounds, and a statement by the competent immigration authority must be obtained as well. The Federal Ministry of the Interior decides on a case-by-case basis.

### Problems in connection with forced marriage

Since the residence title of family members derives from the residence title of the reunifying person (sponsor) and reunified persons quite often have no access to the labour market, the result is marked dependence on the sponsor, which may constrain victims of forced marriage to remain with their spouse even against their will.

Persons living in a situation of domestic violence or forced marriage would find it easier to escape from their predicament if they were granted a residence title of their own as well as access to the labour market.

### Leeway for action by MA 35

Municipal Department 35 – Immigration, Citizenship, and Registry Offices has taken a number of measures to prevent forced marriage and to support persons thus affected as efficiently as possible:

- sensitisation measures for staff members;
- establishment of a working group on forced marriage within MA 35;
- appointment of a contact person charged with the issue of forced marriage within MA 35;
- participation in the internal working group on forced marriage of the Vienna City Administration;
- training courses on personal statute, settlement and residence law in connection with forced marriage for multipliers in the context of the legal information workshop series “KommZuRecht”;
- addressing of the issue of forced marriage in the context of the “welcome package for immigrants”.

This “welcome package” consists of three elements: the Welcome Folder, the so-called “orientation talks” and “women’s orientation talks”, and a subscription to the magazine “Welt & Stadt”.

### Key activity data of MA 35

Every year, the 400 staff members of MA 35 conduct approx. 300,000 administrative procedures and handle roughly one million face-to-face talks as well as one million phone customer contacts.

### Perspective ...

It remains to hope that our manifold efforts against forced marriage will be successful so that all future marriages celebrated in Vienna will be solely and exclusively “dream weddings” [www.wien.gv.at/verwaltung/personenwesen/ehe/traumhochzeit.html](http://www.wien.gv.at/verwaltung/personenwesen/ehe/traumhochzeit.html).

1 cf. Art. 17 of the Marriage Act in combination with Art. 47 para. 2 of the Personal Statute Act

2 Art. 9 para. 1-3 of the Private International Law Act

3 cf. Latcheva, Rossalina et al.: Forced and Arranged Marriages in Austria with special account taken of Vienna. Situation Report & Catalogue of Recommendations. Vienna, 2007. P. 94.

4 Art. 4, Art. 8 and Art. 10 of the Marriage Act

5 cf. Latcheva, Rossalina et al.: Forced and Arranged Marriages in Austria with special account taken of Vienna. Situation Report & Catalogue of Recommendations. Vienna, 2007. P. 94.





## Measures taken and leeway for action by law enforcement

### Harald Hofmayer, Federal Police Headquarters Vienna

Ladies and gentlemen,

I, too, would like to welcome you officially at this conference. It is a great pleasure for me to speak about the measures and scope for action available to the Viennese police in order to combat forced marriage.

By way of introduction, I want to state that violence is still a taboo subject in many migrant families because of the often cited “violation of the family honour”, in much the same way as domestic violence in general used to be a taboo subject only a decade ago. However, violence in the name of honour is an even more delicate subject since it not only raises the question of

how far society may be allowed to percolate into the privacy of a given family but also asks questions regarding the relationship between the majority society and ethnic minorities. For this reason, the topic is often shunned when talking about migrant integration in order to avoid the accusation of meddling with cultural specifics. However, respect for cultural diversity must never lead to a slackening in the fight for human rights. As an English Home Office Minister put it: **“Multicultural sensitivity is not an excuse for moral blindness.”**

What is the definition of a forced marriage? In theory, a clear distinction must be made between arranged marriages and forced marriages. While in the former case the families of bride and groom do take a leading role in organising the marriage, the decision on whether or not to marry lies exclusively with the potential spouses. In a forced marriage, however, at least one of the spouses is not allowed to decide for herself (or himself), and the case presents elements of coercion. While this distinction may sound simple and clearcut, it is actually not. The definition of a marriage as a forced one must not hinge upon whether the victim musters the courage to refuse the match or shies away from resistance. Many victims would not dream of refusing the “suggestion” made by the family patriarch, although they do not agree with it; simply, they do not dare to protest because of the way they were brought up.

This is a topic for endless but fruitless discussions – but now I want to address the leeway for action available to law enforcement and, inspired by the work of the British police, I will in the process distinguish between four different case scenarios, each of which depends on the moment at which the police learns about the case in point.

### 1. A person fears that she (or he) might become a victim of forced marriage:

The person (usually a young girl) contacts a counselling facility and states that she is afraid of visiting her parents’ country of origin for the planned summer holidays with her family. According to the parents, the purpose of the trip is to visit relatives, attend a wedding within the family or see sick family members. However, the person affected fears that the motive is a different one – namely, to be married off against her will. Sometimes the police have leads to go by (suspicious phone calls to and from other

families in Turkey, etc.); sometimes the girl just has this gut feeling without any concrete evidence.

The person has the following – limited – possibilities of reacting:

- She remains with her family and tries to find an amicable solution that is acceptable to all parties.
- She acquiesces to her parents’ wishes.
- She escapes from her family.

In this case, the competent youth welfare authority in particular is called upon to step in. The decision is not an easy one, since any action may have grave consequences. If the situation is taken (too) seriously, the authority must intervene into the family structure by withdrawing custody from the parents of the girl threatened by forced marriage.

If the story is not taken seriously (enough), it may become clear by autumn that the girl’s concerns were justified, since she is not returning to school.

### 2. A third party informs the police that a person was brought to another country to be married there against her will:

It may happen that a family leaves for the summer holidays in their country of origin without the person in danger having any prior misgivings. Once arrived, her papers and other personal items are taken from her. In such cases, concerned friends, acquaintances or teachers often contact the authorities and want to report the person as missing.

For the person brought abroad, the Austrian authorities’ getting into contact with local authorities harbours the following risks:

- The local authorities cooperate with the family or are on the family's side.
- The Austrian police's intervention triggers violent action on the part of the family.
- The person is taken to an unknown place.
- The person is forbidden to communicate any more with the informants in Austria.

In this context, it should not be overlooked that it makes a big difference whether the victim taken abroad is an Austrian national. If the person in question does not hold an Austrian passport, the Austrian representatives on-site have no possibility to intervene.

Regarding this scenario, I would like to recount a case that I am particularly proud of since it highlights the importance of cooperation between a variety of institutions, which could not be successful on their own while their joint efforts harbour a good possibility of succeeding. In this and the following examples, I have given German first names to the victims to prevent any potential recognition:

### *Anna's case:*

*Anna is a 17-year-old girl with a migration background attending a Viennese secondary school. Last September, she did not return to school after the summer holidays. This was inexplicable to her friends, who also found it impossible to reach her. Anna's parents and sister told them that Anna had to stay behind in her parents' country of origin to take care of her ailing grandmother.*

*Her friends contacted the class teacher, who visited the family but could not clarify what had actually happened. As a result, the school turned to the Youth Welfare Office. In*

*the course of a talk with the girl's father, a staff member of the Youth Welfare Office learned that the man had taken Anna's passport to Vienna. The father promised to make Anna return to Vienna. Yet the set date went by without her arriving; thus the Youth Welfare Office informed the police.*

*The policy finally established that Anna, much to her family's disapproval, had struck up a friendship with a young man in Vienna. The youngster was in fact traced by the police and stated that Anna had sent him an SMS, obviously shortly before her parents took her mobile phone away. Anna wrote that she was stuck in her parents' country of origin without knowing what to do and how to escape.*

*Soon the police also contacted the Domestic Abuse Intervention Centre Vienna to jointly agree on the further course of action and ponder the pros and cons of any proactive intervention involving Anna's family (it must not be overlooked that possibly unsuccessful intervention measures may further exacerbate the victim's situation). For tactical reasons, I would prefer not to go into details regarding the arguments. In the end, the authorities decided in favour of a joint proactive strategy, summoned Anna's parents to a police station and conducted separate talks with them to clarify the legal situation applicable in Austria and the sanctions deriving from it. This approach managed to convince the parents. While still at the police station, the father called his home-country to engineer Anna's return. An appointment was made for Anna to come to the police station two days later; this appointment was met. On this occasion, Anna stated (as expected) that her stay abroad had been previously agreed with her.*

*Despite this, the uniform and concerted action taken seems to have contributed to make Anna's parents understand that certain ways of behaviour vis-à-vis young people are not tolerated by Austrian society. A female police officer still maintains irregular contacts with Anna as part of a sort of "victim after-care", as it were. The girl is all right.*

### 3. A person who is an Austrian citizen or holder of a residence permit for Austria was previously forced to contract marriage abroad:

In this case, the victim – who was actually chosen to marry and bring her “spouse” to Austria because of her residence title – contacts the police.

The person has the following – limited – possibilities of reacting:

- She agrees to the marriage.
- She escapes from the family environment.
- She tries to sabotage the granting of a visa to her spouse without arousing her family’s suspicions.

#### *Berta’s case:*

*Berta, an Austrian citizen, reported to have been married against her will in her country of origin, explaining that she had met the man through her parents only a short time before the marriage. She stated that her parents had concluded an agreement with the man’s family and that she had given in to the pressure exerted by her parents to avoid being repudiated by her family. She then added that her “husband” was threatening by phone and SMS to come to Austria, claiming that he had already obtained a visa (the documents were obviously mailed to him by Berta’s parents). When Berta told him that she had no intention of living with him, he threatened to kill her.*

*After contacting the public prosecutor’s office several times, the police finally obtained an arrest warrant, which was served a few days after the husband’s arrival in Austria. At this moment, he had already physically assaulted Berta. The man was arrested in the presence of*

*Berta’s parents, who until then had not known about their daughter’s bringing charges against the man. Apparently, the parents then put pressure on Berta to withdraw the charges the next day. In due course, Berta was forced to go into hiding for several months because of her parents. It was mainly due to the efforts of the Domestic Abuse Intervention Centre Vienna that Berta and her parents are again on speaking terms. The parents now accept their daughter’s wishes and have supported her in initiating divorce proceedings.*

### 4. A person who was already forced to contract marriage abroad is brought to Austria for the purpose of family reunification:

By way of introduction, I would like to quote a passage from a book I only read two or three months ago because these lines precisely reflect impressions that I myself have gathered over the past years with regard to many victims. If you try to put yourself in the situation of such women, it is easy to understand why they find it so difficult to cooperate with the police or other institutions, why they recant so often, withdraw their statements, return to “the family”, etc.

#### **From “Die fremde Braut” (The Foreign Bride) by Necla Kelek**

“A typical imported bride is just 18 years old, comes from a small village and has attended school for four or six years to learn to read and write a bit. She is married off by her parents to a man of Turkish extraction living in Germany – a man she does not know and who may be a relative. After the wedding, she is taken to a German city to live with a Turkish family. She never moves out of this family setting and has no contacts at all with people outside the Turkish community. She knows nothing of the city or country she lives in. She does not speak German,

has no idea of her rights and does not know who to turn to in her predicament. In the first few months, she is totally dependent on the husband's family, as she has no residence title of her own. She must comply with what her husband and mother-in-law tell her to do. If she refuses, her husband may send her back to Turkey, which would spell her social or actual, physical death. Soon she will have two or three children.

Without children, she is worth nothing and could be repudiated. Having small kids will force her to stay at home for several years. Since she knows nothing of German society and has no way of learning anything unless somebody from the family permits her to, she will educate her children in the same way she has learned in Turkey. She will speak Turkish with her child and educate him or her in the same way as she herself was educated, according to Islamic tradition. She will live in Germany without ever having really arrived.

Hardly anybody communicates with these women, also because they are not visible in public life. They are hidden in the families, in the houses, they cannot speak to Germans, they have no contacts to people who might help them, to authorities, social workers or counselling facilities. They are invisible in our society.”

The victim has the following – limited – possibilities of reacting:

- She agrees to the marriage.
- She escapes from her spouse and his family and requests to stay here in Austria despite the fact that the wife depends on the husband for her residence permit.
- She escapes from her spouse and his family and returns to her country of origin.

Such a person will be particularly shy to ask the authorities for support, since she was certainly told that, without the help of her husband and his family, she will be deported, that her children will be taken away from her and so on.

I would like to cite two examples with quite contrary outcomes.

### *Grete's case:*

*15-year-old Grete was married in her home country to an Austrian citizen born in her country of origin. The marriage was arranged by her and her husband's families. After that, Grete was taken by her husband to Austria to live in a flat together with her husband and his parents and siblings, totally isolated from the world outside. She became pregnant and had a son, who now is eight months old. In the flat, her husband repeatedly abused and threatened to kill her; the infant, too, was injured during these assaults.*

*In the end, she was able to escape from the flat and bring charges against her husband; a warrant was issued, and the man was arrested. The next day, Grete, accompanied by her husband's family, showed up at the police station with the intention of withdrawing the charges. On behalf of the Viennese public prosecutor's office, she was asked whether she would stand by her decision to withdraw her accusations, to which she replied in the affirmative (this was only to be expected, although her husband's family was sent from the room and waiting outside). In due course, the warrant was withdrawn; the man had to be released.*

*Although a prohibition to return to the flat and later on an interlocutory injunction were issued against the husband (following an application by the Vienna Youth and Family Office), Grete and her child have since been living at a women's shelter. Weeks later, the police once*

*more established contact with Grete as provided for by the Police Act. With the support of the women's shelter, the Domestic Abuse Intervention Centre and the Youth Welfare Office, she finally decided to get a divorce and build her own life from scratch in Vienna, a city she still knows little about.*

### *Maria's case:*

*Last summer, Maria was married to an Austrian citizen born in her country of origin. Shortly afterwards, this man brought her to Austria, where she has been living together with her husband in his parents' flat without any other social contacts. She is in her 9th month of pregnancy.*

*For months, she had been exposed to violence by her husband, with the verbal support of his parents. When she finally contacted the police, the husband was ordered to leave the flat; at the same time, Maria was advised to go to a women's shelter, since the husband's parents remained in the flat and hence could not be expected to leave the woman alone. Maria originally agreed to this solution; however, just one day later, she returned to the flat and has since refused to accept any form of counselling or help.*

Many victims do not defend themselves against, or try to escape from, a forced marriage; if they do, this happens only after a number of years. This is because they are afraid of their families' vengeance or of acts of physical or psychological violence. In this, a lack of knowledge concerning residence status, the inability to speak the local language, ignorance of the applicable laws, the lack of a personal income or, simply, of a social environment to trust within the family are often factors that prevent persons affected from turning to the authorities with their plight, demanding protection or seeking help. Isolation is one of the worst problems for the victims of forced marriage, as they

may feel that there is nobody they may ask for support. By the same token, isolation is a problem for those who are trying to escape the threat of an (announced or already contracted) forced marriage. It is only after their escape that many of these persons become aware that they have, through their action, also left their families, friends and accustomed environment behind and thus find themselves entirely on their own. Often they live in the constant fear of being found out by their families and held to account by them.

Since I think that I have exhausted by allotted time-slot, I will end here and am looking forward to an exciting afternoon. In particular, I am curious about the contribution by the Vienna Board of Education.

I believe that this is precisely where all action must begin; school is the only place frequented by all potential later victims (with the exception of imported brides) but also by future perpetrators, and it is through schools that the sensitive addressing of this issue can yield satisfactory preventive results.

Thank you.







## Crisis and prevention work of the association “Orient Express”

### **Gül Ayşe Başarı, Association “Orient Express”**

The association “Orient Express” was established in 1988 by women for women. At the time, the organisation offered spare-time activities for Turkish women living in Vienna and called itself “Association of Turkish Women“. Women had the possibility of attending sewing courses or just meeting for talks. Over time, the sewing courses evolved into German language classes while the women’s talks developed into a social counselling programme.

In 1996, the association chose the name “Orient Express“, because its clients no longer came from Turkey alone.

This counselling facility financed by the Federal Province of Vienna and the Federal Republic of Austria offers counselling, assistance and care for migrant women, mainly in Arabic and Turkish but also in German and English.

Since we started our work against forced marriage eight years ago, our clients have not only been Turkish- and Arabic-speaking women and girls but belong to a very heterogeneous international group.

### The focuses of our counselling facility are on:

- \_ problems in the family and with the life partner;
- \_ violence and abuse;
- \_ forced marriage;
- \_ female genital mutilation and information;
- \_ generational conflicts;
- \_ legal information.

Of course, all counselling is anonymous and free of charge!

Apart from these central tasks, we are also active in another area: we organise German language classes-cum-childcare for women.

### Why do we focus on forced marriage?

#### Starting-point and background

Why did we hit upon the idea of fighting forced marriage?

The decisive year for us was 1999: more and more clients contacted us in connection with forced marriage. We noticed that the number of such problem cases was increasing, and numerous persons affected turned to us for counselling.

We only became aware of the full extent of the problem after the 2000 summer holidays. After that summer, many girls came to our counselling point telling us about their forced marriage or forced engagement. Under the pretext of a holiday, these girls were lured to their or their parents' country of origin,

where they were forced to contract marriage against their will!

In 2001, “Orient Express” included forced marriage in its list of focal work areas; the first information workshops were organised in 2003.

It was our objective to reach young people. For this purpose, we developed a pilot project: our school workshops. The first school workshop took place in 2004 at a junior secondary school and met with very great interest.

Our “campaign against forced marriage” was launched in 2005 by putting up posters in all Viennese junior secondary schools. This poster activity was to sensitise young people and draw their interest to this issue.

This campaign against forced marriage was continued in 2006. The demand for workshops and training courses to combat forced marriage remains massive. Only last year, we organised 20 workshops – twice as many are planned for this year.

I will speak about our prevention work at a later point in my presentation.

In any case, our campaign did not only reach the young generation but society and the public at large as well. This also entailed a new law, as the legislator for the first time took action to fight the phenomenon:

Since 1 July 2006, an amendment to the Penal Code defines forced marriage as a penal offence that is duly punishable under law.

## Crisis intervention

### “Second and third generations”

#### Minors

In addition to awareness creation and information, the association “Orient Express” also offers crisis intervention to combat forced marriage. In our crisis intervention work, we group clients into three categories: minors, girls or women who have already come of age, and imported brides (imported grooms exist as well).

In case of underage girls threatened by forced marriage, close cooperation with the Youth Welfare Office is necessary and even essential. If such a threat exists, the girl in question is first of all counselled by us. Many underage youngsters are afraid of authorities such as the Youth Welfare Office because they have been told all sorts of frightening stories about this authority, mainly by their parents. Of course, the parents do that to discourage their children from turning to the Youth Welfare Office when they feel in danger. For this reason, it is necessary to talk to clients about the Youth Welfare Office, prepare them for the visit and accompany them to the first talk.

Moreover, it is important for the Youth Welfare Office to refrain from bringing about a head-on confrontation between the parents and their daughter; rather, several talks must be first conducted with the girl without involving her parents.

This boosts the girl’s morale and makes her feel less alone. She must also be prepared for the consequences of a talk with her parents. If the parents do not speak German, the talk must be translated by an interpreter. After all, it happens quite frequently that parents will threaten their daughter in their common mother

tongue but later deny any such behaviour. Here, the central focus must be on the well-being of the minor. This precisely is the reason why we accompany our clients.

If the Youth Welfare Office considers a situation potentially dangerous, the underage girl must leave the family for her own protection. The accommodation of underage clients is organised by the Youth Welfare Office. Crisis intervention centres and sheltered communities for girls are the facilities of choice. Unfortunately, despite being urgently needed, there exists no girls’ shelter specifically for such clients.

Clients taken in by a crisis intervention centre in particular need additional protection. The address of the Nussdorf Crisis Intervention Centre is no secret, hence many family members know where the minor is staying. When the girl attends school (if not earlier), she will meet family members waiting for her at the nearest street corner. Her relatives exert psychological pressure, blame her for having betrayed the family and family secrets or even threaten to kill her!

For this reason, it is imperative to work concurrently with the parents as well. While the daughter is staying at the crisis intervention centre, her mother is invited to discuss the situation with us. It is certainly not our goal to tear the girl from her family environment but rather to work with the parents, as this also enables us to prevent further danger to other daughters.

Since we are not a family counselling facility, we can only work with female family members. However, in a few cases, we have talked to the father as well.

As with other forms of violence, forced marriage, too, requires psychological support for its victims to help them to work through their experience.

### Girls and women who have already come of age

Crisis intervention work with persons who have already come of age is as a rule similar to that with underage girls, with the sole difference that the Youth Welfare Office is no longer called in.

The persons affected get into contact with the counsellor, and an appointment for a talk is fixed. All steps and possibilities for action are then discussed and agreed with the client.

Forced marriages usually take place in the country of origin during the summer holidays. In such cases, the client must return to Austria after the wedding to be able to bring her husband – as the reunified spouse – to Austria. Therefore the first step should be to prevent the husband from entering Austria. This can be achieved by reporting the case to the immigration authorities. If a client chooses this route, she must expect massive pressure from her parents. As a result, some outside accommodation, usually at a women's shelter, has to be found for these clients as soon as possible. As with underage girls, there unfortunately exists no specific refuge for women affected by forced marriage, although such a facility is urgently called for.

If a client wants to get out of a forced marriage, annulment of the marriage is applied for or divorce proceedings are initiated in the country of origin. Of course, such proceedings are costly because the client needs a lawyer. A woman who has left her dwelling without any money and is unemployed or had to leave her job to ensure her safety does not dispose of the necessary funds for a divorce suit. In such cases, we try to obtain an interim loan with the support of the counsellor, which is very time-consuming. Rapid financial assistance and relief is thus likewise required.

After all, these measures all aim at enabling these girls and women to conduct self-determined, independent lives. “Orient Express” supports clients in this endeavour. The persons affected would also need free-of-charge psychological support in their mother tongue.

### “Imported brides”

This term likens persons to commodities. It was chosen because that is precisely what happens to this group of clients: they are transported from one country to another like merchandise and denied a life of their own.

“Imported brides” is our term for clients who are taken to Austria as a result of their marriage. Such marriages may be forced marriages for both bride and groom.

Yet while the husband continues his life as he pleases after marriage, the wife is treated like a slave. Thus the consequences are much more dramatic for women than for men.

The lives of these women are turned upside down all of a sudden. They are constrained to leave their home and accustomed environment, are brought to a country that is totally alien to them and where they conduct a very restricted life, usually being only busy with household chores. They have to serve their parents-in-law, may leave the flat only if accompanied (usually by the mother-in-law) and are forbidden any contacts with the world outside. If they put up resistance, they are exposed to psychological and physical violence or taken back to their home-country and left with relatives of the husband!!

If these women somehow manage to contact our counselling point, we have to find accommodation for them. They cannot return to their in-laws' flat since

their action is considered a betrayal of the entire family.

In such cases, the husband – under the instigation of his parents – tries to have his wife’s residence title annulled; many husbands refuse to hand over the documents necessary to prolong the permit. While such problems can ultimately be resolved with the assistance of the immigration authorities, this often entails protracted waiting periods. For this reason, clients should absolutely be given their own residence title to render them independent of their husbands!

Since these clients have no financial resources, they need help. While it is true that they are entitled to maintenance payments from their husbands, alimony suits take at least six months even in the best of cases. As a result, clients are left without any income during that period. Persons are only eligible for social benefits if they have already been living in Austria for five years as a minimum!

Taking care of imported brides is very time-intensive, as we assist these young women in becoming independent individuals. The moment when they decide that they no longer need our help is determined by the clients themselves.

Clients usually find accommodation at a women’s shelter. Those who are not stalked or threatened may also be taken in by mother-child residential communities.

## Prevention work

### Young people

To be able to reach young people, above all girls and young women affected by this problem, calls for all-round preventive information work. This awareness

can be best and most lastingly stimulated through schools and youth organisations, i.e. environments where young people spend a lot of their time.

Our workshops take place at school, in the classroom. The workshops are first agreed with the school and planned in consultation with the school or class teacher.

For every group, one teaching unit of approx. 50 minutes is set aside for the workshop, although this may be extended to two teaching units. The number of participants should not exceed 20 to be able to discuss the issue within the group.

We offer background information about the legal situation in Austria as well as about all facilities young people may turn to for assistance, drawing the youngsters’ attention clearly to the intrinsic link between forced marriage and violence.

We want to strengthen the students’ inner capabilities to say no, even if they are exposed to massive pressure by their families. Positive examples are cited to highlight perspectives and possibilities for young people to shape their future for themselves.

The workshops comprise the following thematic areas:

- \_ Forced marriage – background and traditional aspects
- \_ What is forced marriage?
- \_ Why do forced marriages happen?
- \_ How are counselling sessions organised?
- \_ How can forced marriages be prevented?

- \_ What can you do if it actually happens? What institutions can help you?
- \_ How can you help yourself or a friend?

We provide the young people with information sheets of the various institutions and essential phone numbers. They are also given stickers with the phone number of our counselling point to help them memorise the number.

### Parents

The association “Orient Express” has set itself the task of tackling a highly complex phenomenon where it was clear from the outset that prevention work would be extremely difficult. We want to prevent, eradicate and totally abolish forced marriages.

To combat ancient traditions and social norms is an extremely arduous endeavour. Escaping from a forced marriage does not only mean running away from a violent husband or father but also cutting the line with established customs, the entire family and even one’s society as whole.

It is imperative for us to involve the parents and above all to win over the girls’ mothers. Mothers, who often were victims themselves and now are about to become perpetrators, must absolutely be sensitised and strengthened to be able to better defend their daughters threatened by a forced marriage against the male family members.

To attain that goal, “Orient Express” has developed the workshop “Help! I don’t want to marry yet!”

The workshop is designed for two target groups:

- \_ girls (starting at age 13, as potential victims)
- \_ women (mothers as “potential co-perpetrators”)

### How do we work with mothers?

Concrete examples and role playing are used to show clearly why this custom is a terrible form of violence.

It is stressed explicitly that the mothers should be at their daughters’ side to give them moral support and courage.

The mothers are informed about the legal situation.

### How do we work with girls?

The girls meet to voice their problems with their families and with society, to speak about their wishes, dreams and hopes but also to express concerns and fears. We support and coach them in this process of awareness creation.

We inform them about the social background of this inhuman practice.

It is emphasised that forced marriage is not a game but in fact cancels a girl’s whole childhood from one moment to the next.

The girls are informed about institutions that can offer help, assistance and moral support.

While we probably cannot reach all women through this workshop, the association “Orient Express” does consider it a viable starting-point. Further workshops, meetings and discussions are necessary to win over more mothers to protect their daughters.

Additional workshops, meetings and discussions – also for potentially affected persons – are moreover necessary so that the association “Orient Express” can communicate essential information to these girls and strengthen their capabilities to put up resistance and

say a decisive “no”.

### Society and politics

In addition to young people and their parents, it is equally important to inform and sensitise multipliers.

If a girl feels threatened by a forced marriage, she may turn to her class teacher for help. In such a case, it is useful if this potential ally knows how she can practically support the girl and what can be done to effectively ward off a forced marriage looming on the horizon. Teachers, social workers, family counselling facilities and staff members of youth organisations (also with a leisure focus) must thus be sensitised and professionally coached to deal with this issue.

Women and girls do not need pity but support from society at large. For this reason, we have made forced marriage a public discussion topic to push this form of violence into the spotlight and further sharpen public awareness.

### Status quo

**Forced marriage is no longer a taboo in public discussion!**

**Contact points have only limited capacities!**

**Today we are confronted with fewer actual victims than with persons potentially threatened by forced marriage!**

**Forced marriage is a punishable criminal offence!  
There exist no special accommodation options and shelters for potential or actual victims of forced marriage!**

### What is urgently needed?

**Stepping-up of services and resources**

**Accommodation options providing long-term assistance and care**

**Setting-up of a specialised family counselling facility**

**Independent residence status for girls and women affected**

**Counselling point for young males**





## Integration policy measures taken by MA 17

### **Ursula Eltayeb, MA 17**

In 2004, Municipal Department 17 was set up as a separate municipal department for integration and diversity answerable to the Executive City Councillor for Integration, Women's Issues, Consumer Protection and Personnel.

#### **The tasks and goals of MA 17 include the following areas:**

- expertise, support, solution proposals and training courses for departments and divisions of the City of Vienna with the objective of adjusting the range of services even better to customers' needs
- proposals for measures to facilitate the integration of newcomers and migrants
- promotion of language acquisition measures
- promotion of associations and initiatives implementing projects of relevance for integration
- information about migrant associations, networks and media at the city and district levels
- organisation and coordination of information events

- networking of district facilities with the migrant population and migrant organisations
- conflict prevention and mediation

### Structure and staff composition of MA 17

In addition to the headquarters housing the office of the department head alongside the divisions for public relations, law, task formulation, controlling and budget, EDP and project support as well as the core areas for housing, neighbourhoods, conflict management, education (children, young people, school, education, work) and for society, social issues and health, MA 17 operates focal centres and regional offices in municipal districts with a high migrant population share.

These offices mainly handle regular contacts with migrant organisations, migrant associations and religious communities as well as their networking with district services.

At the moment, MA 17 has 55 staff members, 29 of whom have a migration background. 23 languages are spoken in the department.

This organisational structure and staff composition are key prerequisites for implementing the projects and goals of the department, above all with respect to access, contacts and cooperation with migrants as well as the promotion of dialogue between different population groups in Vienna.

### Measures taken by MA 17 with respect to forced marriage

MA 17 does not offer one-on-one counselling and primarily views its task with respect to forced marriage in preventively cooperating and regularly exchanging

ideas with migrants in order to jointly develop measures combating this and other forms of violence against, and oppression of, women as well as to create ways and means to strengthen the multiplier role of migrants and give them a say in the discussion process.

Empowerment and the creation of equal opportunities in education and work are key prerequisites for enabling migrants to live self-determined lives.

In addition to a number of concrete projects relating to forced marriage, MA 17 is promoting measures that are to contribute towards sustainable improvements in the life situation of migrants.

### Measures taken by MA 17 to combat forced marriage in the strict sense:

#### Promotion of projects and activities

MA 17 promotes activities and projects addressing the issue of traditional family structures and patriarchal social systems in a migration context (this is a promotion focus in its own right: in addition to supporting counselling facilities and women's contact points that inter alia offer counselling and assistance for migrant victims of violence, MA 17 also funds individual smaller projects dealing with this issue, e.g. theatre projects on forced marriage for young people, discussion series).

#### Development of a multiplier pool on women's rights

Since 2006, representatives of various migrant organisations and associations as well as privately concerned migrants have been regularly meeting once a month to address this issue in discussions, exchange their experience and develop common projects and measures to combat traditional violence against

migrant girls and women. MA 17 offered these women volunteers a training course to support and strengthen them in their efforts (topics: legal situation, overview of counselling facilities in Vienna, communication training and basics of conflict resolution work).

This pool evolved the idea of a joint activity week, for which the women submit a variety of suggestions (workshops, discussions, film shows, theatre performances, information events, creative courses), develop the programme, handle part of the event moderation, operate a booth to disseminate essential information material and above all bring along selected visitors to the individual events. MA 17 coordinates and finances this project.

The pool currently comprises women with Turkish, Kurdish, Iranian, Afghan and Arab migration backgrounds.

In 2007, this activity focusing on women's rights took place for the first time and attracted a total of approx. 950 visitors.

In 2008, the second activity week was again attended by roughly 900 persons. The programme roster offered a variety of events on equal opportunities focusing on the fields of education, work, health and anti-racism.

Another objective of the pool lies in involving these multipliers in various events that address issues of relevance for integration and letting them have their say as discussion participants or speakers on panels and in workshops or seminars.

### **Training course on forced marriage for teachers at Viennese schools**

In cooperation with MA 57, the Vienna Board of Education and the Teacher Training Institute of the

City of Vienna, a two-day training course involving women from the multiplier pool, experts from municipal departments and NGOs was developed and implemented.

### **Subject-matter of the training course**

In addition to a general introduction to the problem of forced marriage and the study of action guidelines developed to deal with concrete cases of persons threatened or affected by forced marriage, several examples of prevention work at schools including teaching aids were presented. Furthermore, trainees had the possibility of meeting representatives of counselling facilities in person.

After this training course, the participants claimed to feel more confident in dealing with the problem, as they had been very uncertain about what to do when faced with a concrete case. The seminar was experienced as a competence booster, an incentive to engage in prevention work and an impulse for developing greater problem awareness.

### **Measures taken by MA 17 to combat forced marriage in a wider sense:**

These services and measures are to contribute towards long-term improvements in the life situation of migrants.

#### **Some examples:**

#### **MUM LEARNS GERMAN**

These are German language classes with additional services for mothers of children attending Vienna's kindergartens, elementary, secondary and special schools; ideally, the courses for the mothers take place at their children's school and at the same time while the

youngsters are attending class. Concomitantly with the courses, childcare for smaller kids is offered by migrant women taking part in accompanying training courses.

The language course comprises 150 teaching units and is very conveniently priced. In addition to the lessons, excursions and measures to improve the level of communication between the kindergarten or school and the parents are organised as well. School- and education-specific issues are likewise integrated into the course.

In the 2006/07 period, more than 100 courses were organised at Viennese schools and kindergartens.

### **Information events for parents**

Several events organised at the premises of associations or schools aim at communicating new information about school- and education-specific issues to parents. Medium-term target groups are parents with a migration background; in the long-term, however, this measure is conceived for all parents in Vienna.

The project equally wants to improve the level of communication between parents and schools, convey relevant information and boost the educational opportunities of migrant children.

In the context of this project, a pool of speakers that may draw upon a range of ongoing basic and advanced training options is being developed.

Since the project met with pronounced interest even at the pilot stage (97 events), the number of events in the 2007/08 school year was stepped up to 185.

### **Information events in the participants' mother tongues**

In cooperation with migrant associations, experts from various municipal departments, municipal institutions and NGOs, MA 17 organises and coordinates information events on issues of relevance for integration, such as e.g. naturalisation, family law, the Austrian school and educational system or health.

#### **Example: health-related information**

The organisation and implementation of these events is handled by the women's health centre FEM Süd on behalf of MA 17.

Migrant organisations and associations contact MA 17 or FEM Süd stating their requirements (place, date, topics, language preferences), and the latter will then organise the event.

In parallel, a monitoring group composed of native-language physicians and representatives of FEM Süd and MA 17 was set up for regular meetings to discuss the experience made and develop a comprehensive service range.

In 2006, a total of 125 such events took place; their number rose to 300 in 2007. The project continues in 2008.

#### **Assistance by established migrants for migrant newcomers**

It is the objective of this project to provide migrant newcomers with a first overview and to communicate important basic information in their mother tongue. This is done by persons who have themselves a migrant background and hence find it easier to facilitate the

first phase of life in Vienna for newcomers.

Launched in 2006, the project is implemented by several migrant associations and designed flexibly to comply with the needs and requirements of the individual target groups.

In addition to communicating important basic information about facilities of the City of Vienna and contact points offering counselling on specific issues, the groups are also taken on tours of the respective municipal districts and the city itself, visit various facilities, are familiarised with the public transport system, if required, and taken on a tour of the Austrian Parliament or Vienna City Hall.

### Other measures relating to forced marriage considered essential by MA 17:

Stepping up the range of training courses relating to forced marriage for multipliers, teachers, etc.

Developing the work with men – winning over male migrants as multipliers in order to formulate measures for working with men and families to combat forced marriage

For more information, go to:

[www.integration.wien.at](http://www.integration.wien.at)





## Forced marriage as a problem of the Youth Welfare Office

### **Renate Balic-Benzing, Department Head of MA 11**

The tasks of the Youth Welfare Office may be summarised briefly under the motto “**protecting children – supporting families**”. The legal basis for these activities is provided by the Vienna Youth Welfare Act of 1990, by the Civil Code, by provisions and fundamental principles of civil and personal statute law but also by the Non-Contentious Proceedings Act. Depending on the issue at hand, however, the involvement of personal statute legislation may also necessitate the application of provisions from other countries. In some situations, this may entail massive problems curtailing the desired protective function. This aspect will be dealt with later in more detail.

With regard to forced marriage, the Youth Welfare Office is confronted with three problematic population groups, all with a migration background:

- 1. underage girls usually close to graduating from school and often starting to have their first contacts with boys of the same age;**
- 2. underage mothers mostly living in a flat together with the father of their child and his family;**
- 3. young mothers.**

## ad 1)

These girls are close to finishing compulsory schooling or slightly older and often have their first boyfriend. The parents oppose this relationship, which frequently leads to severe punishment by the girl's father and/or brothers: physical violence (beatings, even whippings, cutting off the girl's hair, etc) and the threat of taking the minor back to the family's home-country. Such cases are often reported by teachers (with increasing frequency right before the summer holidays); sometimes girls turn to the Youth Welfare Office on their own initiative, accompanied by a girlfriend or their boyfriend. Sometimes these girls agree to being admitted to a crisis intervention centre, give a very dramatic account of their predicament and initially refuse any contact with their families; however, after the first renewed contact with their relatives – mostly by mobile phone –, they change their stance all of a sudden, play down their earlier statements or claim to have lied and usually return very soon to their families.

Yet talking to the parents in order to clarify the standards applicable in Austria has its effect, as further contact with the families shows that these girls are not forced to marry, at least not in the immediate future.

Occasionally, teachers have reported that a student did not return to school after the summer holidays, with her family alleging that she stayed behind in her country of origin, while the girl's friends could not reach her by phone and hence feared that she had been forced into a marriage. In the case that such a girl is an Austrian citizen, we can intervene via the representative Austrian authority abroad if she is indeed kept there against her will. Here, too, cooperation with the police (to explain the standards applicable to Austrian citizens) has proven very effective.

Regarding this group of girls, we mainly aim to explain the legal standards applicable in Austria to the parents and to strengthen the girls' self-confidence (mostly through the teacher or a confidant/confidante, since these girls often do not speak about their problem or even deny it because they want to "protect" their parents). For us, it is very important that a basis of communication between the girls concerned and their parents is established, since turning away from the family would have serious consequences for these youngsters (isolation, perhaps even repudiation and persecution by the family). Many girls refuse admission to a crisis intervention centre and obviously cannot be forced to agree.

Should a girl decide, despite everything, to leave her family, and if the threat embodied by her relatives becomes too massive and dangerous, she may also find accommodation and assistance outside Vienna following consultation with other youth welfare organisations.

Every year, between five and ten girls threatened or affected by forced marriage are cared for by our department (2006: 8, 2007: 7).

So far, no boys confronted by this problem have turned to us. Still, we are of course equally committed to helping young males threatened or affected by forced marriage if the situation should arise.

However, it also happens occasionally that underage girls declare that they absolutely want to marry a man from their country of origin when they are interviewed by us. This talk is necessary to obtain an authorisation to contract marriage, which is required for minors under Austrian law. Such girls often met the man in question – usually a distant relative – during their last holiday in their home-country and now communicate with him via letters, e-mails or phone calls; they mostly

know little about their future spouse but claim to love him and say that they want to marry him. In such cases, we may refuse to approve the authorisation to contract marriage.

At this point, it should be mentioned that the personal statute of the girl's country of origin comes into play here. If the law of that country defines a 16-year-old girl as marriageable, the youngster does not require any permission to contract marriage by the guardianship court. In such cases, the Youth Welfare Office has no possibility of intervening.

#### ad 2)

There exist a number of cases where underage mothers or girls (often still of compulsory school age) live, with their parents' approval, in one household with the – often equally very young – father of the child and his family. Officially – i.e. under Austrian law –, they are unmarried; according to the traditions of their country of origin, they are, however, considered married or at least affianced. Such girls often have a Roma background. Many of these girls are exposed to violence exerted by their boyfriend or his family. In many cases, they are enrolled for the one-year pre-vocational curriculum (“polytechnic course”), which is the last year of compulsory schooling, but do not attend with the excuse that they have to take care of their infant. The girls' families of origin draw on all sorts of flimsy excuses to avoid taking their daughter back; in many cases, too, the girls refuse to return to their families, because they fear having to leave their babies behind. We assume that money is paid from one family to the other but cannot prove this. These girls, too, often refute their earlier statements.

If such girls are still of compulsory school age, we mostly learn about them following a report by a teacher; if they are underage mothers, this happens in

the context of birth and when they come to pick up the baby package (clothes and utensils) the City of Vienna provides all newborns with. These youngsters are usually loving, devoted mothers and very skilled in taking good care of their infants. As a rule, they visit the parents' counselling centre together with the mother of the baby's father. In conflict situations, these young mothers are threatened by telling them that the baby's paternal grandmother will take the infant away and force them to leave without their child. Due to the various applicable personal statutes, we are often faced with the problem that no legitimate access to these girls exists.

If an underage Austrian girl gives birth to a child, the Youth Welfare Office is assigned custody of the infant under law, either until the mother comes of age or until a relevant decision is taken by the guardianship court (e.g. granting custody to the infant's grandmother). However, children of underage mothers who are not Austrian citizens do not come under legal custody by the Youth Welfare Office. As a result, we can only offer contacts and counselling; as long as the child lives under acceptable conditions, we have no possibility of enforcing contact.

It is thus a demand of the Youth Welfare Office to bring about equal treatment in all personal statute issues in order to be able to provide the same degree of protection and support for all women and girls living within our areas of competence.

In 2006, there were 204 mothers aged under 18 years in Vienna; 85 of them were aged under 16 years.

#### ad 3)

The biggest group the Youth Welfare Office is confronted with in this connection are young mothers, although the issue of forced and arranged marriages is

of secondary importance here. Sometimes it only becomes obvious in the course of the assistance provided by us that a young mother was forced to contract marriage, since it is our prime task to protect children and to ensure their well-being. The victims of such marriages are usually young women who have come to Austria just a short while ago, mostly do not speak German at all and live in total isolation. The marriage was contracted in their home-country and presumably often arranged, as per local traditions. The husbands neglect these women, leave them to fend by themselves, do not support them but resort to violence whenever the women have failed to do something to their husbands' complete satisfaction. These women are often very depressed and, as a result, overtaxed by the task of caring for their children.

We meet these women either in a counselling setting before or after birth at the hospital or after the husband has been ordered by the police to leave the family dwelling. Such women usually refuse to separate from their husband since they are economically totally dependent on him, while divorce is excluded for reasons of tradition and because they are afraid of losing their children.

The husbands also threaten these women with taking away their children in case of a separation. Sometimes the children are actually brought abroad by the fathers to stay with their paternal families in order to emotionally blackmail and put pressure on the wives. Often all these women want is to be left alone by their husband without having to leave the man. Moreover, such women very rarely move to a women's shelter – if they do, they usually return very quickly to the marital flat for the above reasons. It is almost impossible to speak to these women without others present, since they are always accompanied by a (usually male) relative or their mother-in-law and shy away from agreeing

to a one-on-one talk. Our possibilities to help these women are inter alia dependent on their residence status and language skills. However, the fact that we, as the Youth Welfare Office, have to focus primarily on children and their well-being also comes very strongly into play here. Thus if a woman, through her behaviour, puts her children in danger, this causes a difficult starting-point for helping her, since she experiences our efforts as a threat and hence increasingly withdraws into herself. At the same time, she is put under even greater pressure by her husband (and his family). Providing care and assistance to such women is always a difficult tightrope act: the women are afraid and under pressure; their husbands are usually indifferent to changing the situation for the better; the children must be protected; finally, the Youth Welfare Office is certainly not to intensify the pressure these women are already suffering from.

By way of conclusion, it should be emphasised that the setting-up of the internal working group on forced marriage of the Vienna City Administration must be seen as a first step towards sensitisation regarding this issue. You can only recognise what you know about, and we are confident that more critical situations will be spotted in the future as a result of greater interest in, and awareness of, the problem of forced marriage. We also believe that it is important to sensitise other professional groups likewise concerned with this issue, such as judges, to at least give some consideration to this aspect in their work. We must enhance awareness and take the clearcut position that forced marriage is invariably a form of violence and an infringement of fundamental and human rights.







## Experience report by the School Psychology Division

### **Christoph Teufel, Vienna Board of Education**

“Schools are mirrors of society.“ Every phenomenon that exists in society is also reflected in schools. This rule applies to all issues and problem areas, such as e.g. violence, drugs, mobbing and also forced marriage. The School Psychology Division of the City of Vienna has made it its task to create awareness of the phenomenon of forced marriage in schools, to discuss this problem and deprive it of its taboo status. Students are to be given the opportunity to learn about and assert their rights and possibilities. All persons active in the school context – primarily teachers – are to be motivated “to watch and see” and to address the issue.

Schools are places of social life where students spend a large part of their time, where they find contact persons to interact with and are protected from potential violence. Almost all students have at least one teacher they trust. This offers another springboard to combat forced marriage, as many youngsters confide in a teacher. Consequently, this opens up a way of true access to these young people, who thus find support. One of the biggest difficulties for young people affected by forced marriage is that they have to confront their families and hence are isolated. They feel left alone with their problem, with their fears and concerns. A protected atmosphere of trust of the kind

a school can offer permits planning and preparing potential interventions in advance, together with the young person involved. This also reduces the danger that youngsters might withdraw their original statements out of fear. In this, teachers act as first contact points, support providers and “travelling companions”.

By means of regular talks (e.g. during the psychologist’s consulting hours at the school), the School Psychology Division of the City of Vienna tries to ease the fears of young people about voicing their concerns. Often youngsters shy away from consulting institutions. Yet if they feel that support can be found in their accustomed environment, at school, it is easier for them to accept help. Being on-site, as it were, facilitates this access enormously for us. Teachers, too, make use of this possibility and can in their turn step in as mediators and support figures and be accompanied and coached in their activities by our division.

The concrete procedure chosen by school psychologists depends on the individual case and the individual needs of students, although a rough “basic structure” can be outlined.

Precisely clarifying the problem at hand is our primary goal. Very often steps are taken behind the back of the person involved without ever consulting them. Above all where minors are concerned, there exists a tendency to act in haste without letting the youngsters have their say. Yet the persons affected will only be willing to accept help if they are part of everything that happens. Thus the first questions to be asked are always: who established the contact – the teacher or the young person? And: what exactly does this person need right now? Principally, the youngsters must always have a say in the proceedings. For this reason, we make a habit of discussing the next steps and explaining all necessary measures in detail, always in close contact with the students.

Since when does the specific danger exist? This question is decisive for clarifying whether or not the authorities need to intervene. Of course, the acute danger potential must always be considered and assessed together with the person involved. Thus a concrete trigger – a plan for immediate marriage, the threat of the youngster having to break off school education or other crises – may call for instant action.

Assessing the actual danger potential is essential as well. What has happened so far? What are the concrete concerns? Has the young person been subjected to threats or physical assaults? In the latter case, the youngster must undergo a medical examination by the school doctor.

Schools are safe places but may in certain cases also become hazardous places, e.g. if there are persons lurking outside the school to intimidate a youngster. This is a moment where the school must step in to take suitable measures. Thus extraneous persons may be officially told to leave or forbidden to enter the school in order to shield students from their threats.

The age of the persons concerned also comes into play here. Are they underage, and if so, are they children under the law (up to 14 years of age) or minors (from 14 to 18 years of age)? This is important because counselling and assistance services are extended by different institutions, depending on the client’s age. Thus, the Youth and Family Office is principally competent in case of acute danger to underage individuals.

To be able to plan further steps together with the person affected, it is equally important to have an idea of the urgency of the situation. Is it acute, e.g. because a wedding date has been set? Or is there the danger that school attendance might be suspended, for example because of an inferior performance of the youngster in

class? Thus the situation may e.g. come to a head before the summer holidays when it becomes clear that grades are low and a student is not allowed by the parents to repeat the year. This is often a point when parents begin to make different plans for their children.

Should the young person be taken in by a facility outside the family, for example if concrete threats have been voiced and there exists a very real danger to the youngster's health or life? At this point, suitable protection measures must be organised, e.g. a ban on visitors at the hospital or accommodation at a women's shelter or municipal crisis intervention centre.

Moreover, it must not be forgotten that, for a few of the persons thus involved, suicide may seem an option. In their desperation and hopelessness, some youngsters might actually contemplate killing themselves. This possibility must be borne in mind and, if called for, addressed in a talk with the young person.

The accompanying circumstances and general situation are equally important. How exactly does the person's housing situation look like? Are there alternative sheltered possibilities of accommodation within the family context? Is there some contact between the family and school? How does the student perform at school? Is there a threat of the young person leaving school early before graduating?

Apart from institutional resources, there also exist social resources that must be clarified. What confidants and confidantes are there? In many cases, relatives or friends might offer temporary shelter. To what degree is the young person integrated into the school or class environment? This is a field where schools may offer support, e.g. through liaison teachers or school psychologists. Institutional resources are obviously of great importance as well. In this connection, the

youngsters concerned must be directed to contact the competent facilities and, if necessary, accompanied for visits to avoid unnecessary frustration caused by having "to do the rounds" before hitting on the appropriate facility. In its turn, this calls for in-depth information, background know-how and expert knowledge on the part of the persons assisting the youngsters in their predicament, as almost none of them know where to turn to. It is thus all the more important for e.g. teachers to be aware of the appropriate facilities and to establish contacts.

Apart from safeguarding the physical and psychological health of students, it is the prime goal of the School Psychology Division to make sure that its young wards can attend school with success. Targeted assistance and promotion by teachers as well as support by school psychologists can provide a valuable contribution towards scholastic progress.

In addition to feeling abandoned with their plight, such youngsters often have to deal with feelings of anger, despair, misery and impotence. At this point, psychological care must enable them to verbalise these emotions and support them in the process. Subsequent networking with professionally trained experts ensures competent follow-up care.

To acquire a subjective sense of safety, the young persons involved need to learn what they can do if the worst comes to the worst. It is therefore useful to develop an emergency plan together with them, as they must know what numbers to call or where to go to in a crisis, at any time, any day. The 24-hour Women's Emergency Hotline of the City of Vienna and the Youth and Family Office with its crisis intervention centres may for example act as first contact points for such clients. If it becomes evident that clear and manifest danger exists, the School Education Act provides that the director of the school, the Board of

Education and, if necessary, the police be informed of the case.

The number of potential forced marriages actually known to school workers is in fact very low, which – due to the much higher number of estimated cases – obviously implies that the young persons involved are still very much afraid of requesting help or confiding in anybody. For this reason, in addition to directly offering assistance and the possibility to talk in a sheltered environment, we are also interested in furthering information, in-depth knowledge and the multiplier effect achieved through teachers. The more the problem is discussed and brought up at school, the more young people will develop a sense of the injustice embodied by this practice and thus become aware of their legal rights as well as of the available possibilities to ask for, and obtain, help.





Expert Conference  
VIENNA ACTIVE AGAINST  
**FORCED MARRIAGE**

**Thursday, 27 March 2008**

Vienna City Hall

Speakers



### Marion Gebhart

Department Head of Municipal Department 57 (MA 57) – Promotion and Coordination of Women's Issues

### Rossalina Latcheva

Scientific project leader and co-ordinator of international project consortia at Centre for Social Innovation, Vienna – Work and Equal Opportunities

### Barbara Michalek

Head of 24-hour Women's Emergency Hotline, Municipal Department 57 (MA 57) – Promotion and Coordination of Women's Issues

### Elisabeth Assmair

Competence Centre for Customer Service, Integration and PR, contact worker concerning forced marriage of Municipal Department 35 (MA 35) – Immigration, Citizenship, and Registry Offices

### Harald Hofmayer

Police lawyer, captain at Döbling Police Inspectorate, Federal Police Headquarters Vienna

### Gül Ayşe Başarı

Political scientist, collaborator of association "Orient Express" – Educational, Counselling and Cultural Initiative for Women; focus on violence prevention, forced marriage, generational conflicts and separation

### Ursula Eltayeb

Deputy Head of Core Area for Society, Social Issues, Health of Municipal Department 17 (MA 17) – Integration and Diversity

### Renate Balic-Benzing

Department Head of Municipal Department 11 (MA 11) – Youth and Family Welfare Office

### Christoph Teufl

School Psychology Division of Vienna Board of Education

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## EU Daphne Project “Active Against Forced Marriage”

The conference took place in the context of the EU Daphne project “Active Against Forced Marriage”, in which Municipal Department 57 – Promotion and Coordination of Women’s Issues participates as the representative of the City of Vienna. In addition to Vienna, the project coordinated by the City of Hamburg involves partner organisations from Amsterdam, The Hague, Geralfingen, Hamburg, Istanbul, London, Stockholm and Utrecht. The project aims at strengthening and raising public awareness of the phenomenon of forced marriage, at giving increased weight to the ban on forced marriage through heightened information of decision makers, and at developing guidelines for action to improve prevention and intervention. Daphne conferences attended by national and international experts are organised in the countries of the individual project partners.

For detailed information about the Daphne project „Active Against Forced Marriage“ contact the Victim Protection Unit at the Office for Family, Youth and Social Affairs of the Free and Hanseatic City of Hamburg: <http://www.hamburg.de/opferschutz/>



Women for Women's Human Rights -  
New Ways, Turkey



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