

## Country report SHEROES Honour-related violence and forced marriage in Germany

### I, The public and political discourse

Germany took a long time to realize it might be an immigration country. Migrants came mainly as so called guest workers starting with the 1960ies. In 2005 the annual Mikrozensus, a sample to get statistics about the population in Germany, asked for nationality and ethnic background for the very first time. According to these numbers 16 million people in Germany out of a population of 82 million in total, have a “background of migration”. 6,75 million people have a foreign passport, about 1/5 of them was borne in Germany. The largest ethnic group is Turkish (about 2,8 million, half of them was borne in Germany). Since the recruiting of labourers stopped in 1973, family reunion is the most important way of immigration – accounting for 44 %.<sup>1</sup>

In 2006 chancellor Angela Merkel of the Christian Democratic Party initiated the first Integration Summit (Integrationsgipfel) and thereby gave the subject of integration a prominent position which got intense coverage by the public and the media.

2004 Papatya took part in one of the first European projects against honour-related violence<sup>2</sup>. At that time honour related violence was part of the work of most women's shelters, was present at counselling centres, in police work and at schools but there was no word to name it. Translating the term honour related violence and promoting its use was a first, but very important basis to be able to get an overview of the occurrence.

Forced marriage already had some attention since 2002, due to the activities of NGOs bundled by the women's rights organisation Terre des Femmes, who raised public awareness through information campaigns and distribution of information material.

Since 2004 some progress has been achieved. Women's issues got part of a vital debate about immigration and integration and therefore prominent attention. Especially forced marriage got into the focus, laws were changed. A lot of the federal states developed some activities against forced marriage, new specialised helplines and shelters were opened and research was intensified. But the situation and especially the climate towards migrants is of course not only positive.

While Migrants where mainly presumed “Guests” or “foreigners” in the public discourse of the 70ies, 80ies and 90ies, it seems they yet became all “Muslims”. Recent discussions are often full of othering and disrespectful attitudes against Turks, Arabs or Islam in general - on the one hand.

On the other hand emancipated migrants or migrant organisations who fight for values, which are – at least in these discourses - presumed as “German” or “western” values, like the right of the individual or emancipation of the women, are also not really promoted and honoured by politicians or the media. Some of them, especially women who themselves where former victims of oppression and appeared before the public with their stories, told us about their experience to get disinvited from discussion rounds if some parts of the Islamic community have something against them. They have the strong feeling that there is a clear political attitude missing which puts human and especially women's rights explicit prior religion and argue that all forms of cultural relativism get at

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1 Sachverständigenrat deutscher Stiftungen für Migration und Integration: Migrationsland 2011, page 97 f.

2 See: Ressourcebook Honour-Related Violence Kvinnoforum 2004

the expense of the victims - mostly girls and women. Social Workers at school told us that girls suffer to be taken from swim or sports class or any kind of excursions.

But the process of integration as well as an inter-cultural dialogue needs certain conditions to be successful. Awareness and sensitivity is especially needed when the issue of gender based violence is getting mixed up with the culture, tradition and religion of certain migrant groups. This awareness is often not given within the German discourse and has to be taken into account by all relevant stakeholders.

### ***1, Honour related violence and forced marriage in the public discourse***

Honour related violence and forced marriage can not be separated from the ongoing debates about integration, gender equality, anti-discrimination and violence prevention. In the controversial discussions about integration or its failure the position of women gets prominent attention. Cases of honour-related violence and forced marriage are connoted as indicators and principal witnesses for failed integration on one hand – and on the other hand trivialized as marginal single events which could take place in almost any dysfunctional family – depending on which status of integration a speaker wants to prove.

Honour crimes were reported by the media prominently in the last years. Some of the especially and transregionally recognised ones were the murders of Ulerika Gashi by her father in 2003 (Kosovo-Albanian background), of Hatun Sürücü by her brothers in Berlin 2005 (Turkish/Kurdish background) and of Morsal Obeidi by her brother in Hamburg 2008 (Afghani background). Also the trials in court got a lot of public attention and the circumstances and motives of the murders were discussed intensely, mostly in connection with reflections about integration in Germany. The public seemed to be stunned and incredulous that the kind of thinking the murderers represented could have survived among them. In Hatun Sürücüs case this was stressed even more, when some approval of the killing was stated by young men of the migrant community. Morsal Obeidis case got special interest because she had tried to escape from her family and had had contacts with Youth Social Services as well as with the Police and was timely been taken into care. Possible lacks in the support system were discussed vehemently.

The public discourse was accompanied by the voices of affected women who appeared before the public with their own stories. Hanife Gashi, mother of the murdered Ulerika, wrote a book and campaigned with the Women's Rights Organisation Terre des Femmes. Aylin Korkmaz, who was nearly stabbed to death by her ex-husband, did the same. Fatma Bläser and Serap Cileli, both former victims of forced marriage, had written books about their fate already in 1999 and got more attention with each murder case. They did book tours and went in schools before they both started NGOs, which support potential victims (Hennamond e.V. and Peri e.V.). Also Sabatina James an Austrian Woman of Pakistani background who hide from her family in Germany under a victim protection program, first wrote a book about her struggle for a life of her own and then founded the NGO Sabatina e.V. Seyran Ates a prominent lawyer, had written a book about her life as a teenager, who had run away from home already in 1983. When she worked for victims of domestic violence she got nearly shot by a member of a fascist Turkish organisation in 1984. She has written a lot of books on issues of integration and Islam from then on. In 2006 she stopped working as advocate after the ex-husband of a client had threatened and beaten her in the streets. In 2009 her publisher announced that she would withdraw from the public completely, after she had received death threats due to her last book "Islam needs a Sexual Revolution".

The combination of books, book tours, films about the authors and a lot of media coverage at the side seems to be a typical way to deal with the topics of honour related violence in the public sphere. The above named courageous migrant women were invited into talk shows in television

constantly and interviewed a lot. They gave the battle against honour related violence faces and credibility, no matter what risks that meant for them and their families. Without their engagement the debates probably would not have been so fervent and influential.

The discourse is very controversial and tends to exaggeration – in one or the other way. While some voices create a picture of parallel societies and of migrant communities where violence and oppression against women and their free will as well as deep patriarchal family-systems are daily routine and link this pictures directly with Islam, others state that honour related violence and forced marriage are only marginal systems within migrant communities. Although the government is keen to get data there is still a lack of quantitative data about girls and women affected of honour related violence and forced marriage.

## ***2, Data and national policy***

In 2004 a big representative study financed by the Federal Ministry for Family, Senior Citizens, Women and Youth researched violence against women in Germany for the first time. According to the study one in four women between 16 and 85 in Germany that live or had lived in a relationship, has been violated at least once in her life by her partner sexually or physically.<sup>3</sup>

Two not representative side studies researched violence Turkish and East European/Ex-GUS women have to face. According to these studies the two interviewed immigrant groups experienced physical and sexual violence more frequently and suffered from more severe forms of violence than the average German women. In comparison to other women with a background of migration, Turkish women have to face a higher rate of severe physical and/ or sexual violence. They were also a lot more endangered than women with other backgrounds when they wanted a separation from their partner or a divorce.

Concerning their marriages women with Turkish backgrounds stated that half of their marriages were arranged by relatives. In 25 % of the arranged cases the women were not asked for their opinion. One quarter of the married Turkish women did not know their husband before marriage. 75 % agreed with the choice of their relatives, 23 % would have preferred to choose their husband themselves and about 2 % gave no comment. 17 % said they felt forced into marriage. A connection between forced marriage and violence in the partnership was not proven.

The reasons for the higher quantity of violence the Turkish/migrant women faced were disputed, because some groups of migrant women differ also concerning socio-economic factors: They depend on their husbands income more often and their educational status (especially of Turkish women) is a lot lower than that of German women.

The study also pointed out that migrant women are especially dependent on easily accessible forms of support. The accompanying study (WiBIG Study) found out, that more migrant women can be reached through what is called proactive or outreach help and that language barriers have to be taken into consideration and to be broken.

The results of all these studies are very influential: The 8<sup>th</sup> Report of Integration by the Integration Commissioner of the Federal Government as well as the Second Action Plan of the Federal Government to Combat Violence against Women<sup>4</sup> refers to them. The Second Action Plan names forced marriages explicitly as an “additional form of violence” and “a severe violation of human rights. It states that although “there are no reliable data about the extent and characteristics [...] in Germany at this point” mainly girls and young women “from families with migrant background”

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3 BMFSFJ: „Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland“, 2004

4 [www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/aktionsplan-II-gewalt-gegen-frauen-englisch](http://www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/aktionsplan-II-gewalt-gegen-frauen-englisch), 3. Auflage 2011

are affected. It mentions that also men are victims and states that there is “a lack of clarity and some controversy in public debate concerning the boundaries between arranged marriages, on the one hand, and forced marriages, on the other.” There is a broad governmental consensus to avoid any short circuit of forced marriage/HRV and Islam, so the Action Plan points out: “the problem is not only limited to Islamic cultural circles”.

The Second Action Plan aims at “greater protection for migrant women affected by violence”

Measures the Action Plan names:

- Financing of the model project SIBEL to expand online counselling for young female migrants threatened by forced marriage or other forms of domestic violence but also for their supporters and professionals
- Measures to enlighten and inform in the communities and countries of origin about forced marriage (this is formulated quite vaguely)
- Measures to empower migrant women and to increase their participation in society which is meant to contribute to the prevention of violence.

There is a strong consensus and expectation by the government that all measures to increase education and participation will also have the effect to prevent violence.

Accordingly less specific measures which are done in cooperation with the Federal Office for Migration and Refugees are mentioned:

- Integration courses, low-threshold language courses and “counselling on individual issues related to the women’s living situations ... The concept also intends to address questions of honour and morality, forced marriage, and violence against women. In addition, attempts will be made to raise the awareness of the women who run the courses with regard to these topics, so that they will be able to refer women seeking advice to qualified counselling agencies”.

According to the National Action Plan the 16<sup>th</sup> conference of federal ministries for equality and women decided in 2006 the following measures to fight forced marriage:

- The escape from a forced marriage equates a special hardship with consequences for the residence permit (§§ 31,37 Aufenthaltsgesetz): it should be prolonged even if the 2 (or 3) year rule is not fulfilled and if someone was brought abroad there should be a right to return
- Information material for victims and different groups of professionals shall be developed
- The necessity of a special paragraph in the law should be proved – later this resulted in the new law against forced marriage.

*Excursus: The federal structure of Germany and the principle of subsidiarity*

Germany has a (quite complicated) structure of 16 federal states (besides the central Government) which affects all policies against honour related violence and forced marriage. Although the central government is responsible for the legislation in general and the legislation of the federation stands over the legislation of the single federal states, there also exists legislation by the federal states. In some fields they are sovereign: Schooling and tertiary education, internal security, including policing, radio and television, as well as the organization of local self-governmental structures for the cities and smaller federal districts. Through the Bundesrat (Federal Council) the federal states also influence the legislation of the central government – here all federal states are represented by members of their federal governments and legislation can only pass with a majority of their votes.

The principle of subsidiarity as a basic principle of the German state structure demands that all tasks of the state are referred to decentralized local authorities until their capacity to fulfil these tasks is at its end. Wikipedia defines: “Subsidiarity is an organizing principle that matters ought to be handled by the smallest, lowest or least centralized competent authority.”

Concerning forced marriage for example there were competing bills produced by the federal states Berlin and Baden-Württemberg (who were ruled by different party coalitions). It took a lot of discussions and meetings of different parliamentary committees from 2006 on before finally in 2011 the new act was passed.<sup>5</sup> Concerning the issues forced marriage and honour related violence very often over-regional strategies are needed, for example to help a endangered victim. In practice this need for an over-regional approach very often collide with the federal organisational structure of Germany.

### 3, *Definitions*

Unlike forced marriage “honour related violence” is not a very prominent term in discussions or in politics. Although the NGO Terre des Femmes, the specialised shelter Papatya and others worked a lot to spread the issue among professionals since 2004, public debates concentrate more on honour murders on one hand and forced marriage on the other.

Perhaps these phenomena seem to be more easily pinpointed than the more abstract term “honour-related violence” which refers to a concept which seems to be more complicated and diffuse. But the reluctance may also be due to the discussion which escorts the term from the beginning (and which was led especially in academic circles): Whether the term is politically correct or whether it might fuel racist stereotypes by establishing an extra-category of violence, which is connotated with ethnic, religious or cultural issues.

#### *a, Honour related Violence*

“Honour related violence” was first addressed at a conference that Terre des Femmes and Papatya held in 2004 with participation of about 50 stakeholders, NGOs and politicians in an EU project. The definition agreed upon by this conference is:

“Honour related violence covers psychical or physical trespasses in the context of patriarchal family structures/communities/societies which are carried out mainly against women and girls. The concept of honour is a social construction and is interpreted dependant on the context. “Honour” subordinates freedom and dignity of the individual under collective claims. Violence is seen as legitimate preservation or reconstruction of (family) honour in order to perpetuate and maintain traditional norms and value systems.”

PAPATYA talks about honour related violence “if the perpetrators justify their transgressions with having to protect or defend family honour. The most extreme cases of honour-related violence are honour killings, but the term also covers forced marriage, domestic violence, genital mutilation, acid attacks, dowry related murders, suttee or blood revenge. The overwhelming majority of victims are female, but men may be affected too, especially if the families refuse them as partners, if they are homosexual and in cases of blood vengeance. Violence is then justified in the name of culture/tradition and often condoned, supported and encouraged by the majority of the members of a family or cultural/traditional community.”<sup>6</sup>

The last point especially points out why it's necessary to differ honour related violence from other forms of violence against women: The victim needs special protection and help.

#### *b, Forced Marriage*

While policies against forced marriage exist in many different federal states there exist a variety of

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5 For a reflection on the complicated procedure see also: KOK (Hrsg.) Expertise zum Thema Zwangsverheiratung, Berlin 2011

6 <http://www.papatya.org/en/forced-marriage.html>

definitions for forced marriage. In substance they probably do not differ a lot.

A most recent definition can be found in a guide for schools published by the Federal Government Commissioner for Migration, Refugees and Integration<sup>7</sup>. It is the result of a workgroup of government and federal states authorities and NGOs and therefore reflects a broad consensus. In its definition of forced marriage the guide states, that the border between arranged and forced marriages is fluent and that there is no need for intervention if both spouses agree to have an arranged marriage. It also states that there is no possibility to objectively define or operationalize forced marriage. Instead of this, the definition should follow the subjectively felt exigency of the victim.<sup>8</sup>

## **II, Relevant Legislation**

### ***1, Foreigner Law***

#### *a, Immigration Law*

Since 2007 People who come to Germany from outside the EU through marriage now have to prove basic knowledge of the German language. Both spouses have to be 18 years or older. This is justified as prevention of forced marriages and a preparation for a smoother integration. But inofficially it also was meant to prevent the migration of people without education/qualification, which was marked as "Immigration into the Social Welfare System". People from countries "with close economic relations to Germany" as for example America, Canada or Japan do not have to fulfil these conditions.

#### *b, Gender based persecution as a reason for asylum*

Gender based persecution was not recognized in Germany for a long time since it often is not executed by national governments. Since 2005 this changed: Also non-governmental and gender based persecution trigger a right to be protected. Honour-related violence can be a reason to get asylum. But women's organisations criticize that this is not implemented very well up to now. So the NGO "Pro Asylum" states, that women who seem to be "westernized" make better chances than women who do not demonstrate a western lifestyle.<sup>9</sup> A survey of positive decisions in 2005/2006 sees them based on domestic violence by the husband, forced marriage, expected honour murders and expected genital mutilation. One quarter of all positive issues of asylum were based on gender based prosecution, 90 % of them suffered from persecution of non-government persecutors.<sup>10</sup> An example of a woman who fled from forced marriage from Iran can be found under: [www.rechtshilfe.de/verwaltungsrecht/fluechtlingsanerkennung-durch-zwangsheirat-327713](http://www.rechtshilfe.de/verwaltungsrecht/fluechtlingsanerkennung-durch-zwangsheirat-327713)

### ***2, Legislation on domestic violence***

#### *a, Protection against violence act*

Since 2001 Germany has introduced a "Protection Against Violence Act" (Gewaltschutzgesetz)<sup>11</sup> which follows the slogan: "Hit out and you clear out". Based on the legal mandate to avert danger police can take the offender into custody and can prohibit him to approach the victim and its house for some time, even if he is the tenant or owner of the house. Violence as defined by the "Protection

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7 Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration: Leitfaden für Schulen zum Umgang mit Zwangsverheiratungen, Berlin 2010

8 "Da das Vorliegen einer Zwangsverheiratung sich kaum objektiv feststellen lässt, ist die subjektiv empfundene Zwangslage der Betroffenen ausschlaggebend."

9 Bundeszentrale für politische Bildung, Interview mit Marei Peltzer, 12.10.2009

10 UNHCR Zweigstelle Nürnberg, Anna Büllsbach, in: Magazin „Flüchtlingsräte“ online 2007/2008

11 [Act on Civil-Law Protection against Acts of Violence and Stalking \(Protection against Violence Act – GewSchG\) vom 11. Dezember 2001](#)

Against Violence Act” includes all intentional and unlawful injuries to the physical well-being, health or freedom of another person, whether these acts are committed in or outside the joint household. The Court (Local Court/Family Court) may grant restraining orders against the perpetrator to protect the victim. Such protection orders may include, for example the ban to:

- enter the apartment of the injured person;
- approach the apartment of the victim up to a distance defined by the Court;
- frequent places which are regularly frequented by the victim
- attempt to establish contacts with the injured person
- arrange encounters with the victim (if such encounters occur unplanned, the perpetrator has to leave immediately).

A central problem is that these protection orders are not controlled by the police. If the offender disrespects them, the victim has to call the police again. Minors cannot apply for these measures. They have to turn to the Youth Social Service (Jugendamt) for protection. For battered women with children the positive effects of the “Protection Against Violence Act” are counteracted by the laws on parental custody. Before 2001, it was usual that in case of a divorce and separation, the parental custody stayed with the mother. Now the “right of the child to both parents” is guaranteed. In cases of domestic violence – and HRV- the father’s right to see the child can mean a great danger for both, mother and child. Women’s groups fight against the worst consequences and lobby for a priority of the “Protection Against Violence Act” over the Act about Shared Parental Custody. For victims of HRV the go-orders are often not sufficient: They are not safe, when the offender is forced away, but his brother or uncles stand on the doorstep the minute after he had to leave. Also in general trespasses against issued injunctions are not easy to sanction.

Concerning domestic violence it is in general problematic that the public prosecution services still see victims primarily as witnesses and rarely impose sanctions. Public interest in prosecution is very often denied and dismissal rates are high.

The Alternative Report of German Women’s Organisations in response to the 6<sup>th</sup> CEDAW Report from 2009 states that: *“The Protection Against Violence Act contains a central problem, namely the inadequate effect it has on persistent and extremely violent perpetrators. (...) Migrant women who have been married for less than two years and live with their husband, whether German or not, have a further problem. Depending on their residence status, intervention under the Protection Against Violence Act can be counterproductive. Lack of explicit hardship criteria in residence law in relation can result in an order to bar the husband from the marital home being interpreted as a break-up of the marriage. This in turn can lead to the woman’s residence status being restricted temporally or terminated altogether. A further problem in implementing the Protection Against Violence Act for migrant women is that there is no mandatory requirement for interpreters.”*<sup>12</sup>

*b) New law against Stalking in March 2007 (§ 238 StGB)*

Since March 2007 Stalking can be punished with a fine or imprisonment up to three years - in severe cases up to ten years. Before that continuous pursuit, harassment and threatening behaviour could not be punished if not combined with other offences like violence, insulting or coercion. The Alternative CEDAW Report states that this law still is not implemented in the police force, so that sometimes women get sent away when no bodily harm has been done. There are also difficulties when several offences are not summarized as one case, so that potential risks are not recognised. Since a lot of different criminal offences can be involved in domestic violence and stalking the Alternative Report recommends “to establish domestic violence as a single cumulative criminal offence which reflects the complexity of the circumstances” (p.42). Concerning domestic violence a

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12 CEDAW Alternative Report 2009 page 40 of 51

lot of cases are not pursued in court. The Alternative Report pleads for a better search for proof: immediate medical examinations by specialists, improved securing of the scene of the crime, look for independent witnesses.

### **3, Regulations for Minors**

#### *a, Child protection*

The right of children and young people to non-violent education is granted by the law. But the legislation of the “Children and Youth Support Act” (Kinder- und Jugendhilfe-Gesetz) puts the right of the parents to decide about the forms of education of their children very high. The only support minors can apply for on their own is to be taken into care in case of their threatened well-being (§ 42 SGB VIII). Social Services have to inform the parents as soon as possible but do not have to name the place where they are sheltered. If the conflicts cannot be mitigated, a family court has to decide. From the age of 15 minors can apply to family courts themselves, if they wish to leave their family against its will. The jurisdiction is difficult to predict, but mainly follows the objective that in cases of violence the parental custody is withdrawn. It depends on the individual judge what proof for violence is wanted – medical certificates are best, witnesses who spoke to the Youth Social Services are good, a statement only by the girl is not always sufficient.

Girls who complain “only” about restrictions of their freedom risk to be sent back. In most of the cases their situation then has worsened a lot. This is why it’s no wonder that girls are often very afraid to go to courts and only dare, if they are accompanied and encouraged. Empathic Youth Social Services can disburden them a lot, if they apply for them or support them. Family courts decisions can only be changed by a higher court. Girls who have been sent back normally neither have the strength and courage nor the possibility, to follow this path.

Minors of foreign nationalities have to be treated equally to German minors, if their nation has signed the “Hague Minor Protection Act”. This is not always known to officials, who might tell the daughters of asylum seekers that they can not live apart from their families.

#### *b, Young Adults*

Youth Social Services often deny their responsibility for anyone older than 18. According to the law there are possibilities for support up to the age of 21, in certain cases even longer (§ 41 SGB VIII), but actually even 17 ½ year old applicants have to fight for help and are often turned down. Victims of HRV often wait until they are adult before they seek assistance. But the restrictions they had to face at their homes have often left them unaccustomed to independence which makes it even harder to build up a completely new life. They desperately need more than to be thrown into a vacuum with just some financial support.

### **3, Special legislation on forced marriage and honour related violence**

#### *a, New Legislation on forced marriage*

After a year long debate with rivalling proposed laws by several federal states, forced marriage finally became an especially defined offence in march 2011 (§ 237 StGB). Before this, forced marriage had been ruled illegal as aggravated coercion, but the new legislation points out more clearly that it is a specific offence. The government wanted on one hand to emphasize its graveness while giving, on the other hand, consideration to its specifics.

The attempt to bring someone to another country for a forced marriage is for example punishable. This is directed at the so-called vacation-marriages which could remain unpunished abroad. Normally German law can only punish offences in Germany. The new law bypasses this by defining the offence already in an early stadium. A formal wedding is not necessary, the attempt alone is enough. If a family pretends to take the daughter for a holiday and meanwhile plans a wedding, the



offence as well as the protection of the law starts in the moment in which the daughter leaves Germany.<sup>13</sup> Unfortunately this part of the law can only sanction the vacation-marriages of German citizens – for others it offers no protection.

Forced marriage is punished with 6 months up to five years imprisonment. The term of application for an annulment of a forced marriage has been prolonged from one year to three years.

The new legislation also makes it possible for victims of forced marriage who have been abducted to another country to return to Germany. Up to now they lost their residency status when they stayed abroad longer than half a year. Now they have 10 years to seek legal recourse and can turn to German authorities for help. Those who have lived in Germany for at least 8 years and attended school for 6 years receive an unlimited right to return. Those who do not fulfil these conditions can return, if they can prove they were well integrated in Germany – even if they will depend on social welfare money after their return.

While the new law eases the situation of girls who grew up in Germany, it aggravates the situation of those, who came to Germany through marriage. Foreigners who marry German citizens have to be married three years now before they get their own independent residence permit after a divorce. The prior law required two years of marriage. The change is justified as prevention of marriages of convenience and strongly opposed by women's organisations and shelters. Women who are confronted with domestic violence can apply for go-orders or seek protection in shelters even if their residence permit depends on the marriage. But if they want to leave permanently or want a divorce they jeopardize their right to stay in Germany. Often their husbands and their family-in-law misinform and intimidate them to make them obedient and stifle their opposition. Depending on the federal state there are provisions for cases of hardship but these are not very predictable. A lot of migrant women hesitate to look for help because they fear to be deported.

#### *b, Honour crimes/murders*

Offences connected to HRV are mainly prosecuted under: bodily injury, murder, manslaughter and duress/constraint. Concerning ethnic background/ honour-related motives as mitigating circumstances in a murder trial the German Supreme court (Bundesgerichtshof) stated in a complicated reasoning that different moral standards resulting from a non-German ethnic background cannot be considered as mitigating. Persons, who know about a planned killing and do not intervene, can also be punished.

### **III, Help system**

#### *1, Help system*

The staff of most NGOs in this field are professionals – social or political scientists at Women's Rights Organisation like Terre des Femmes, pedagogues, psychologists or social workers at the shelters and helplines.

#### *a, Information and counselling*

A lot has been done since 2004. Besides the changes in the legislation also more concrete support has been developed. The chance for victims of HRV to get adequate help in Germany has risen, although central and federal governments preferred measures which did not cost extra-money and the implementation of measures differs a lot between federal states/regions.

While it still is a question where victims might come across the existence of information material,

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13 [www.kok-buero.de/data/Medien/Studien/ExpertiseZwangsverheiratung05.05.11](http://www.kok-buero.de/data/Medien/Studien/ExpertiseZwangsverheiratung05.05.11).

only the fact that there is a lot more of specialised information material in a lot of languages raised their chance.

The internet in general opens new ways to reach out to girls and women, who are imprisoned in their homes – as long as they have computer skills and access to the internet. The evaluation of the model project SIBEL shows the positive results of this strategy. Besides SIBEL, the online counselling of Papatya, two other specialised NGOs who also shelter girls offer anonymous online counselling (IMMA, Mädchenhaus Bielefeld). A lot more Organisations offer specialised counselling via telephone or face to face.

2005 the central website [www.zwangsheirat.de](http://www.zwangsheirat.de) was initiated to collect all relevant developments, data and events concerning forced marriage. It also offers a good overview a good and low threshold access for help seekers.

In some German regions/cities special workgroups against forced marriage were founded<sup>14</sup>, in others existing networks against domestic violence or for crime prevention focused their attention on honour related violence and forced marriage. A lot of information material was written by networks – starting with the first booklet against FM by the Berlin Workgroup Against FM, which was copied by other regions a lot. Often local networks take over contents from other regions but combine them with a address list of the regional organisations which offer support.

For women who are newcomers in Germany the hopes for prevention turn to the integration courses, which are mandatory now. Women's rights could be an issue there and information material distributed. Whether this is realistic or an overload the courses can not carry is not clear. If the now obligatory basic knowledge of the German language helps newcomers to be better informed about their rights is deeply controversial.

## *b, Shelters*

### Women Shelters

Women's Shelters are open only to adult persons, but very often victims of honour related violence and forced marriage are minors. Women's Shelters constantly have to fight for their existence. Although there is no doubt in general that they are necessary and needed, there are no legal obligations about their quantity, size, staffing or equipment. This could be changed if victims would get a legal right to support and protection.<sup>15</sup> So demands for better protection of victims of honour related violence always include the safeguarding of the existing support system. The CEDAW Alternative Report states<sup>16</sup>:

*“...women's shelters and advice centres have to close because of huge cutbacks. (...) Only one federal state and two city states provide the blanket financing for women's shelters that has been a demand for many years, and hence for free access to a shelter regardless of income (without personal contributions) for all women and children. ... Local authority rules prevent many shelters from accepting women from other areas. For many women, however, safety concerns urgently require them to seek protection further away. Migrants with temporary residence permits that impose mobility restrictions and who have to take refuge in a house outside the prescribed area repeatedly find that the local authority refuses to take responsibility for paying benefits. “*

Often victims of honour related violence are not safe at the next women's shelter close to their family. Women's shelters are quite well connected with each other, so they can refer the women to a safe place. This gets problematic, if she has a residency status of tolerance which often is combined

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14 For example the „Netzwerk für Selbstbestimmungsrechte junger Migrantinnen in North-Rhine-Westfalia“

15 Newsletter Migrantinnen und häusliche Gewalt 2/2010,

[www.frauenhauskoodinierung.de/fileadmin/redakteure/pdfs/Newsletter/Newsletter\\_2-2010](http://www.frauenhauskoodinierung.de/fileadmin/redakteure/pdfs/Newsletter/Newsletter_2-2010)

16 CEDAW Alternative Report 2009, page 50 ff.

with a duty of residence (Residenzpflicht) which allows her only to move within a certain area. Some federal states therefore have issued regulations that safety goes first, but on a general level this still can be a problem.

#### Specialised shelters for young migrant women

Berlin and Hamburg have specialised shelters for immediate crisis intervention for young migrant women. These shelters are financed with blanket sums and can therefore give shelter to a girl immediately, without dealing with the authorities about financing. In Hamburg it took the murder of Morsal Obeidi to underline its necessity.

#### Excursus: Young minors

A group which is especially affected by honour related violence and forced marriage are young women between 18 and 21 years. This shows in almost all the data, which are available about forced marriage by now. Since they are no minors anymore, youth social services often deny their responsibility for them and send them to women's shelters. Women's shelters can provide first safety for them, but state that very often they have needs different from the older clients, who already have children, which women's shelters cannot answer very well.

The option to send young adults to specialised shelters is often not existent, since most of the specialised girls shelters have regulations, which allow them only to take in young adults from their own region, if ever. Papatya at Berlin can take in some, but it is certainly not sensible to send everyone to Berlin. Besides Berlin and Hamburg the Mädchenhaus Bielefeld, which also does specialised counselling concerning FM is able to shelter girls. But they can only take them in, if first of all the youth social service agrees to pay the day rate for a certain girl – which is often difficult to achieve for girls from other federal states and nearly impossible for young adults. At Niedersachsen the specialised shelter ADA has the same problems, additionally some girls are not safe if they stay at Niedersachsen. An over-regional approach still lacks and is hard to achieve because of the federalist system of Germany.

The specialised shelters which work against forced marriage come together once a year in a two-day-conference, the Bundesfachkonferenz Zwangsverheiratung (BuKo). The BuKo pleads for two places in a shelter in every federal state which are paid in total in advance without bureaucratic procedures.

#### *c, others*

The victims support organisation Weißer Ring supports cases of honour related violence unbureaucratically.

As described above some women who had suffered from honour related violence and forced marriage themselves made their situation public. Peri e.V. and Hennamord e.V. were founded, lately also Sabatina e.V.. Up to now they depend on the unpaid engagement of their initiators. Peri and Hennamord both cooperate at workshops and trainings with Terre des Femmes, in case work also with the specialized shelters. Fatma Bläser, Serap Cileli and Sabatina James face the risks of their work (which also affects their families) privately and their organisations depend on donations.

## **2, Prevention**

There are a lot of different prevention strategies used in the fight against honour related violence and forced marriage. Prevention strategies for young people often concentrate on school. Many NGO's offer workshops in classes. Concrete Methods variate between division of girls and boys, addressing the topic over a Human Rights approach or over more subtle ways like asking what a self determined life means for the young people. New approaches as for example the project

“heroes” focus on boys as multipliers and train male migrant peers to speak in classes about honour and morality. Some federal states recommend to include the topics honour related violence and forced marriage in the regular lessons on human rights or gender equality. This also gives peers the opportunity to get information with which they can support one another. In addition there are already good experiences with professionals who come from outside and give workshops at schools – may they be the police, women’s/girl’s organisation or authors who suffered from forced marriage themselves. Evaluation about this has been done for example at Hamburg.<sup>17</sup>

As school is sometimes the only place for girls where they cannot be controlled by their families and therefore can be reached, the awareness of teachers is important. They should be approachable for potential victims. This leads us to another important prevention strategy, the training of professionals. Done by specialised NGO's or the already often mentioned few migrant women who are former victims of honour related violence and founded their own Organisations, training very often depends on the initiative of relevant stakeholders.

Other prevention strategies reach out to potential perpetrators. Trainings and courses for parents are multifold and unspecific, rarely approaching honour relating violence or forced marriage directly. The Berlin located NGO “Neuköllner Stadtteilmütter” trains and pays migrant women as multipliers since 2007. They can reach out to other women in their district and teach and support them about education, while they overcome their isolation in their families at the same time. The project has been copied by other districts and cities a lot. Specifically young men are reached through the project Heroes.

In most of the cases prevention programs for potential victims and perpetrators direct honour related violence and forced marriage indirect but there are also strategies which put them in the centre. An example is a project located in Düsseldorf (Leitfaden Ehre), which tries to transport a multifactorial perspective on honour related violence. It includes a broad spectrum of participants, especially migrant projects and artists, who do theatre projects with schools or workshops with women who express their experiences with violence through sculpturing and painting. With a multitude of methods HRV and FM are approached.<sup>18</sup>

### **3, *The role of the police***

Police has had a lot of information and training in the field of domestic violence since 2001 and is included in round tables with interventions projects and other forms of networking. How often and how systematic special training on honour related violence and forced marriage are given to the police by experts can not be overseen. An example from the federal state Hessen can be found in the internet<sup>19</sup> - another from North-Rhine-Westfalia, a lecture of Aylin Korkmaz, who was nearly stabbed by the ex-husband<sup>20</sup>, at the police academy Münster, also<sup>21</sup> - but there have been a lot more. Domestic violence is of course part of the curricula of professional police education, especially the Protection from Violence Act. An overview over local strategies against honour related violence and forced marriage is difficult to get but there are clearly a lot of regional activities. As stated already also for the police the federal states are responsible. Cooperation between them is established

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17 [www.hamburg.de/contentblob/2417228/data/schulworkshops-evaluation.pdf](http://www.hamburg.de/contentblob/2417228/data/schulworkshops-evaluation.pdf)

18 Kriminalpräventiver Rat Düsseldorf: Leitfaden „Ehrensache(n)“, Gegen Zwangsheirat und Gewalt im Namen der Ehre“, Düsseldorf 2010

19 Fachtagung 22.2.2009 „Gewalt im Namen der Ehre“: Integrationsleistungen der Hessischen Polizei bei besonderen Anlässen, [www.netzwerk-gegen-gewalt.de](http://www.netzwerk-gegen-gewalt.de)

20 See page 9

21 [www.ehrenmord-in-deutschland.de/tag/hochschule-der-polizei](http://www.ehrenmord-in-deutschland.de/tag/hochschule-der-polizei)

through the “Ständige Innenministerkonferenz” (constant conference of the ministers of the intern). Despite regional differences experts for certain issues at police headquarters are quite common. Staff members are specialised as victim protection officer (Opferschutzbeauftragte), crime prevention officer (Präventionsbeauftragte) and/or integration officer. They cooperate with schools, with mosques and religious organisations, women's organisations and other NGOs.

Sometimes the police even takes a leading role concerning prevention of honour related violence. At Berlin in some districts the police cooperates with schools very closely concerning honour related violence and forced marriage. Officers go into classes, show a film, which picks up an old fairy tale motive, and discuss marriage patterns and human rights with the pupils afterwards. One of their aims is to encourage them to turn to the police in case of need. In Berlin recently also a “police bureau for intercultural understanding”<sup>22</sup> has been opened, which shall mediate in all conflicts which are possibly due to different cultures.

Family violence is not seen as a private matter anymore. In the vast majority of incidents victims of honour related violence and forced marriage can count on the readiness of police to help them in cases of emergency when they call them. Police has been trained not to question victims when family members are still present. They take them to the next shelter if they wish to escape from home. This applies also to minors, who are taken to a youth emergency centre. At least in the big cities this is implemented very well, it is still more problematic in rural regions.

#### **IV, Demands**

##### ***1, Financial Situation of Projects***

It is an old problem known to women's shelters for a long time now: Their existence is greeted and confirmed in every Action Plan, but their funding is reduced and their staff is shortened, if times get rough financially. Often their funding is unsafe from year to year and/or does not cover their costs. The same applies for the specialised shelters and other projects.

The federal System of Germany makes it even harder to imply a countrywide Help and Prevention system against honour related violence and forced marriage. The government Ministries finance only short-term model projects which have to be pursued by one or more federal states. Federal states are not very enthusiastic to share projects and expenditures – this got very clear when the online counselling model project SIBEL ended. Often organisations start their activities with project money. This money is given for a limited time. Even if the activities are evaluated as successful, the organisations have to stop them and think of new activities or to try and “sell” them again under a different focus. A lot of time is spent with ever-new applications, good practices can not be continued and sometimes the wheel is found out twice. One example is the model project on suicide prevention for young Turkish females: A telephone hotline was financed nine months and then stopped. It would have been wiser to support and enlarge existing telephone hotlines and to evaluate them.

##### ***Sustainable Funding of Projects***

- ⤴ Shelters and Counselling Centers need long-term and constant funding. Safe shelters for endangered victims of HRV and FM need to offer their help fast, unbureaucratic and on a low threshold level. Therefore they need to be financed with blanket sums. The

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22 [www.tagesspiegel.de/berlin/polizeibuero...interkulturelleverstaendigung](http://www.tagesspiegel.de/berlin/polizeibuero...interkulturelleverstaendigung)

Bundeskonferenz Zwangsverheiratung recommends holding at least 2 places in each federal state. Funding concepts need to be developed through supra-regional cooperation.

- ⤴ Funding concepts need to get sustainable. Existing structures should be used. Successful good-practice work should get long term and constant funding instead of financing new short-time projects. Through project-character and permanent financial insecurity a lot of energy gets lost. Especially in the field of Social and Human/Women's rights workers face a precarious working conditions and bad salaries. This has to be changed by governments. We need better salaries for highly qualified work as well as an increase of professionalism.

## ***2, Special needs of young adults***

Especially oppressed girls who want to leave their families because of HRV or forthcoming FM often wait until they are adult because they fear to be sent back from youth agency what would aggravate their situation dramatically. They are very often not at all self consistent enough to make their way through the social welfare system and women's houses. After they leave their families they mostly face a multi-complex situation of problems and are not able to solve it without long term guidance from a qualified social worker. They also have a special need for attachment figures and orientation points after the loss of, mostly, their whole social network. This situation can't be met within the limited possibilities of the social welfare system.

The needs of young adults are recognized in general, guidelines recommend to examine their individual need to get support within the youth welfare system. But in almost every single case this stays a fight with the immediate social worker and the hierarchy above him at youth social services. There is a gap between inter-authority workgroups which produce papers and guidelines and the social workers at the front, which should be closed.

- ⤴ Young adult victims of HRV and FM need access to specialised shelters and help from the youth welfare system. As long as there are not enough shelters who can take them in unbureaucratic because of funding with blanket sum, youth agency needs to react quicker and ease the entry procedures.
- ⤴ Staff of youth agencies needs training and clear instructions as to the further handling of such cases.
- ⤴ Support after crisis intervention has to be given to the victims. We suggest offering them specialised forms of housing where they can get more independent step by step like for example the NGO Rosa at Stuttgart. They offer housing with three steps towards ever more independency – each young woman can move forward in her own time. The Mädchenhaus Bielefeld has a similar concept.
- ⤴ Easier models of financial help for victims of HRV and FM are needed. Youth welfare agencies and social welfare agencies shouldn't carry out their fight about competence at the expense of the victims. We need clear handling instructions and better cooperation between the public authorities.

## ***3, Better victim protection***

Some points concerning the improvement of victim protection like low threshold access to shelters or training for police or judges we have already mentioned above. But especially at the level of legislation there are more points to mention. As Forced Marriage is criminalized now women's rights organisations claim that the legislation is not practicable at all and the most important point: the victim protection is not working. The protection against violence work does not work with the

especially endangered girls or women who suffer from FM, HRV or abandoning.

- ⤴ Possibilities to improve victim protection and to enforce the situation of victims of HRV and FM in Germany have to be analysed by experts and implemented legally.
- ⤴ Psychological violence has to become an acknowledged form of violence in public authorities as well as in the court yards.
- ⤴ Offenders in the general field of gender based violence have to be hold more into account.
- ⤴ Regional competence of courts: For the safety of victims it is necessary that the new region where they live does not get known. So the court where they have lived before should stay responsible. Separated hearings should be mandatory.

#### **4, Victims of displacement**

Up to now there are no systematic strategies in any federal state against displacement, although the new law against forced marriage tries to prevent also vacation marriages. NGOs and lawyers recommend that potential victims sign a form before they leave Germany for holidays. It should give their address abroad and document their fear and unwillingness to be married as well as their request to be searched for and supported. They should also leave copies of their passport. But these forms are not binding: Especially for minors, whose parents have the custody, it is very difficult to get help. Also for (young) adults it is often nearly impossible to push through their right to return – to do this they must at least reach a German embassy, which is often impossible.

Here concrete intervention chains should be formulated, an example of good practice is the British Forced Marriage Unit.

- Concrete Interventions plans and concepts like the forced marriage Unit in GB should be established in Germany to help victims of abandoning and their children also outside of Germany.
- There should be cross-national agreements how to handle cases of girls without the German citizenship or with a dual citizenship.

#### **5, Help for so called “imported” wives**

With the new legislation on forced marriage the situation of victims of FM from abroad became even worse because in terms of residency they stay dependent from their husbands 3 and not 2 years, as it was before (Ehebestandsdauer).

- ⤴ The government should reduce the “Ehebestandsdauer” to two years again.
- ⤴ The juridical situation of victims from abroad has to be strengthened. In case of a forced Marriage the victim need to have the right to get divorced and have to gain residency independent from the husband over asylum or hardship-regularizations.

#### **6, Analyse**

- ⤴ We need strategies and academic research to enlighten the dark field of HRV and FM with representative numbers