

Preventing Forced Marriage: a Comparative Analysis of France and Great Britain

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Abstract

This study aims at ascertaining via a cross-country/cross-city comparison why different national contexts characterized by allegedly opposite ideologies concerning the incorporation of immigrants (namely, the British Race Relations/multicultural model and French republicanism)¹ have led to the adoption of similar policy tools in the prevention of forced unions amongst young people of ethnic minority background. In order to do so, the study will examine French republican and British multicultural² rhetoric and policies aimed at the prevention of forced marriage at different institutional levels, with a focus on the preventive role played by the educational sector and within a historical institutionalist theoretical framework. The comparison begins with a consideration of French and British national rhetoric and policies against forced marriage from 1997 to 2008 to develop an adequate framework for the analysis of the preventive role attributed to educational policies in four major localities (the capital cities, Paris and London, and the second two largest cities per population size, Lyon and Birmingham). Despite differences in the policies and rhetoric adopted by multicultural Britain and republican France to tackle forced unions, the study hypothesizes a common trend in the ways French and British public authorities conceptualize the practice of forced marriage - intended mainly as the product of cultural difference. Similarities in the conceptualization of the practice, in turn, have contributed to the identification of similar policy tools despite dissimilar institutional contexts. Such a hypothesis contrasts with one of the key claims of historical institutionalism, according to which dissimilar institutions lead to different policy outcomes across different countries. The study will introduce the role of ideas – in the form of frames (Bleich

¹ Currently the British Race Relations/multicultural model of immigrant incorporation is in a state of flux. The introduction of integration and cohesion strategies has shifted the model towards assimilationism. However, it is still open to diversity. Conversely, the French republican model – which has always been inherently assimilationist – has recently introduced policies and institutions consistent to a certain extent with the multicultural approach to immigrant incorporation. For the sake of simplicity, I will refer to the French and the British models of immigrant incorporation as the republican and the multicultural model respectively.

² For the sake of simplicity, I will refer to the French and the British models of immigrant incorporation as the republican and the multicultural model respectively.

2003) – as a tool to explain the reasons why French and British policies aimed at the prevention of forced unions have led to similar policy outcomes despite dissimilar institutional contexts.

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Chapter One:

INTRODUCTION.

France and Britain's liberal political values have been challenged by the changed ethnic composition of their societies resulting from immigration. Some of the new populations have brought culturally determined practices (such as polygamy, forced marriage, female genital mutilation, and "honour" killings) that are illegal as they stand in sharp contrast with the universalism of human rights associated with the Western tradition in general and with the respect of women's rights in particular. This study will focus on one of the issues at the core of the growing scholarly interest in women in minority groups – the practice of forced marriage – which has been highly debated in the media and has become the basis for either public policy or legal judgment in both France and Great Britain.

Nobody knows exactly how many people are victims of forced marriages. While reliable statistics are not available in France, data shows that every year about 200 people are repatriated to the UK after they have been taken abroad against their will to marry. Additionally, in 2010 there were 1,735 instances where the Forced Marriage Unit - the British government's institution devoted to tackling forced unions - gave advice or support related to a possible forced marriage.³ According to an estimate reported in a study commissioned by the Department for Children, Schools and Families, at least 5,000 people may be victims of the practice each year (Kazimirski et al. 2009).

Victims of forced marriage often experience physical violence, as well as sexual, mental and psychological abuse. At its most extreme, victims might end up dead, like one teenager from Cheshire, UK who – prior to being murdered in 2004 - claimed that she had been abused by her mother and father for not marrying the man of their choice. Even when the victim's life is not in immediate danger, the experience of being pressured

³ <http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/>, accessed on 13/08/2011.

into accepting or staying in an unwanted marriage might lead to self-harm, depression, attempted suicide, social isolation, eating disorders and/or substance abuse. Although focused on women, this research acknowledges that both women and men can be victims of forced unions (Rude-Antoine 2005, 2011; Khanum 2008; Neyrand et al. 2008). The emphasis on women is motivated by the fact that females are much more vulnerable to be persuaded and coerced into a union to which they object, given that the honour of a family is tied primarily to the status of the woman and the control of her sexuality (An-Na'im 2000, 4; Neyrand et al. 2008).

In both France and the UK definitions of forced marriage are centred – to varying degrees - on the opposition between arranged and forced forms of marriage, where the issue of free consent is central (An-Na'im 2000; Phillips & Dustin 2004, 10-11; Deveaux 2006, 167; Anitha & Gill 2009). Additionally, in both countries prevention efforts are based on the promotion of the rights of the individual consistent with the Western tradition of human rights. Apart from such common features, French and British prevention strategies differ significantly. Each country's paradigm of immigrant incorporation has to some extent influenced the overall strategy adopted by the respective public authorities, rendering some options easier to choose than others. While the French legislation has yet to adopt an official definition of the practice, the British authorities did so over ten years ago in 2000. Similarly, the relative lack of attention by French legislators to the issue is counterbalanced by the debates which have taken place in the British parliament over the past decade. These have culminated in the adoption of the Forced Marriage (Civil Protection) Act in 2007 and, most recently, in the re-ignition of the debate over the criminalization of the practice following British Prime Minister David Cameron's speech on immigration at the Institute for Government in London on Monday, Oct. 10 2011.

Forced Marriage: Traditional Cultures and Violence against Women

As suggested by Anne Phillips and Moira Dustin (2004, 5-6), along with female genital mutilation (FGM) and “honour” killings, forced marriage stands apart from other standard topics popular in the debate juxtaposing cultural relativism against individual rights (such as women wearing the hijab or other forms of Islamic foulard). FGM, forced marriage and “honour” crimes are peculiar as the issue is “not so much whether public authorities have a right or responsibility to eliminate a particular practice, but how to best to achieve this” (Phillips & Dustin 2004, 6). Indeed, while some forms of arranged marriage are still practiced in minority communities, all of their spokespeople condemn forced unions (Phillips & Dustin 2004, 5). Yet, the treatment of this issue has often been problematic, “with discourses over culture tending to represent minority cultural groups as monolithic entities, and initiatives to protect women becoming entangled with anti-immigration agendas” (Dustin & Phillips 2008, 405).

Hard to define and even harder to measure, the concept of forced marriage is usually perceived as opposing a value system based on the respect of individual rights such as freedom of choice, representing instead other systems of values centred on more holistic and symbolic understandings of the family (Collet & Santelli 2008, 49). Based on this assumption, some commentators (Wikan 2002; Storhaug 2003) consider this form of violence against women as originating entirely in culture. According to supporters of this view, traditional cultures – often depicted as overly patriarchal, pre-modern and inherently “uncivilized” – have at their core values that are perceived as irreconcilable with the Western tradition of human rights (Razack 2004a).

However, several scholars have noted that the opposition between “Western” and “traditional” cultures is not as stark as often presented (Collet & Santelli 2008; Durand & Krefa 2008; Razack 2004a). On the one hand, marital choices that are perceived to be free might actually be born out of internalized social mechanisms. On the other hand, traditional

forms of marriage arranged by the spouses' families usually seek the consent of the spouses themselves.

In addition, research shows that - rather than merely being the symbol of intercultural conflicts - forced unions are marked by the presence of intergenerational conflicts amongst members of the same culture, and are often accompanied by additional forms of violence against women. In fact, the imposition of forced marriage upon young people seems to emerge in relation to the confrontation of different generations – and corresponding values - within the family itself, where the younger generation fails to conform to the parental system of values. To this intergenerational trait, one should add the element of violence that appears to disproportionately affect females (Collet & Santelli 2008, 50; Hamel 2008, 81).

Following this logic, forced marriages should be considered expressions of intergenerational conflicts where violence based on discriminatory gender relations is a key factor - rather than a question of intercultural conflict between irreconcilable systems of values. Given that gender-based violence is a phenomenon that cuts across cultures and is rooted in unequal power relations (Jaspart et al. 2003), the fight against forced marriage should be seen as part of a cross-cultural battle against violence towards women, rather than as a clash of civilizations. This does not mean to neglect cultural aspects – on the contrary, recognizing specific cultural indicators might help public officials identify women at risk of violence in minority communities (Dustin & Phillips 2008, 414). Yet, focusing exclusively on its cultural roots risks exaggerating the cultural component in what is first of all a form of domestic violence.

According to supporters of this interpretation, framing the clash as cultural in its origin not only is misleading, but also risky. On the one hand, it implicitly refers to an alleged superiority of European culture, “imagined as a homogenous composite of values including a unique commitment to democracy and human rights, and to the rights of women in particular” (Razack 2004b, 6). On the other hand, it tends to eclipse the pervasiveness of violence against women in the West. Finally, the

“culturalist” tendency to mark Western men and women as more civilized because of their mission to “save” ethnic minority women from their own backward societies (Razack 2004b, 4), carries the danger of labeling this difference as “inferiority” – blurring the line between “culturalist” explanation and camouflaged racism.

Despite their critiques, opponents of “culturalist” explanations do not intend to reject their analytical contributions based on culture *in toto*. On the contrary, opponents of cultural stereotyping agree with supporters of “culturalist” explanations – such as Unni Wikan (2002) - that liberal and democratic states should offer tangible supports and adequate infrastructure in order to protect women willing to escape a forced marriage (Deveaux 2006, 180). However, as Monique Deveaux (2006) points out in her analysis of arranged/forced marriages in the UK, these are “background conditions for any future transformation of social practices (...) and do not supplant the works that needs to be done” (Deveaux 2006, 180) – through prevention strategies, awareness raising, community consultations, as well as inter and intra-cultural dialogue – in order to fully address the structural causes of the practice of forced marriage.

1.1 RESEARCH PUZZLE

Despite significant differences in the institutional approaches adopted to prevent forced marriage, republican France and multicultural Britain have tended to adopt similar policy instruments (Lascoumes & Le Galès 2007) to prevent the practice. Both countries use policy instruments designed variously to tackle the phenomenon either by focusing on the control of cultural pressures at the point of marriage, or by discouraging transnational marriages through the implementation of restrictive immigration measures.

A policy instrument is defined in this study as “a particular type of institution, a technical device with the generic purpose of carrying a

concrete concept of the politics/society relationship and sustained by a concept of regulation” (Lascoumes & Le Galès 2007, 4). Following the categorization suggested by Pierre Lascoumes and Patrick Galès (2007), policy instruments are translated into practice by policy techniques and tools, which are concrete devices “that allow government policy to be made material and operational” (Lascoumes & Le Galès 2007, 4). More specifically, if instruments are a type of social institution (e.g. statutory regulation; taxation), techniques are the devices – such as laws and decrees – operationalizing the instrument. In turn, tools are micro devices within a technique (e.g. the type of obligation provided for by a legal text; sanctions) (Lascoumes & Le Galès 2007, 4). Far from being neutral, policy instruments are “bearers of values, fuelled by one interpretation of the social and by precise notions of the mode of regulation envisaged” (Le Galès & Lascoumes 2007, 4). As argued by Hussein Kassim and Patrick Le Galès, “the choice of tools and their modes of operation (...) are laden with meaning, carry implications for social and political interaction, and have effects independent of intended goals” (Kassim & Le Galès 2010, 5-6).

Based on these considerations, the research puzzle addressed in this study is the following: *why have different national contexts characterized by allegedly opposite ideologies concerning the incorporation of immigrants – namely, the British Race Relations/multicultural model versus French republicanism – led to similar outcomes (measured by the adoption of similar policy instruments) in the prevention of forced unions amongst young people of ethnic minority background?*

By comparing a country with a civic conception of the nation – France – and one with a multicultural conception – the UK – the study builds upon the significant political sociology literature of immigration and citizenship that proceeds through comparing national examples inspired by the work of Rogers Brubaker (1992). In particular, the educational policies formulated and used on the basis of these distinct philosophies of assimilation and multiculturalism (Bleich 1999) will be analysed. These

policies' role in the prevention of the practice of forced marriage is investigated with a focus on the ways in which they address one of the key structural causes of forced unions – discriminatory gender relations. Current interpretations of forced marriage tend to consider the phenomenon either as expressions of intergenerational conflicts where violence based on discriminatory gender relations is a key factor (Collet & Santelli 2008, 50; Hamel 2008, 81; Dustin & Phillips 2008, 414); or as a question of intercultural conflict between irreconcilable systems of values (Wikan 2002; Storhaug 2003). Despite the existence of scholarly works deconstructing the racism and sexism often underlying cultural explanations of forced marriages (Razack 2004a; Hamel 2008; Durand & Krefa 2008), how multicultural and assimilationist policies in practice address the discriminatory gender relations that are at the roots of this practice is largely unexplored. An in-depth analysis of differences and similarities between the two philosophies of incorporation in this field could bring some complexity in the picture, unpacking the logic that underlies each country's approach to forced marriage prevention, and analyzing how this in turn has impacted the selection of policy instruments.

The comparison begins with a consideration of French and British national rhetoric and policies against forced marriage from 1997 to 2008 to develop an adequate framework for the study of the preventive role attributed to educational policies implemented at the local level – with a brief excursus into 2010 and 2011 to outline recent developments. Four major localities (two per country) are analysed as case studies – namely, the capital cities, Paris and London, and the second two largest cities per population size, Lyon and Birmingham. Potential tensions and contradictions between national rhetoric and policies, as well as between these and local educational realities are highlighted. Conflicts between rhetoric and educational practices at various levels of government are also analysed.

Throughout the analysis, the role of ideas – in the form of *frames* (Bleich 2003) – in shaping prevention rhetoric and strategies is discussed. This emphasis helps to demonstrate how ideas contribute to explain the reasons why French and British policies and rhetoric aimed at the prevention of forced unions have led to similar outcomes despite different institutional contexts. Following North (North 1990), the study refers to institutions as “the rules of the game of a society, or, more formally, (...) the humanly devised constraints that structure human interaction (...) whether political, social, or economic” (North 1990, 3). More specifically, institutions are also defined “as the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity” (Hall & Taylor 1996, 6-7; Hall 1986, 19; Thelen & Steinmo 1992; Mahoney & Thelen 2010).

1.2 HYPOTHESES

Perverse Effect

It is my hypothesis that policies emerging from French republicanism and British multiculturalism, intended to prevent forced unions by fostering gender equality through the protection and promotion of human rights, may lead in practice to a perverse effect, generating - through the adoption of similar policy instruments - outcomes contrary to those intended (Hirschman 2003, 36; Sieber 1981). Despite dissimilar institutional frameworks, French and British prevention policies are based on similar sets of ideas concerning the structural causes of the problem, its moral evaluation, and the identification of possible solutions. In particular, both governments understand forced marriage almost entirely as a product of cultural difference – as confirmed by the selection of policy instruments mainly targeting the “cultural” causes of forced unions. As suggested by Máiréad Enright (2009) in her study of British legislation on forced marriage, the adoption of a primarily cultural lens in the prevention of the practice may have the effect of undermining the government’s official aim of protecting ethnic minority people – especially young women - from coerced marital choices (Enright 2009).

In particular, the cultural framing of the issue of forced marriage, and its influence on the construction of gender relations in French republican and British multicultural prevention policies, may implicitly perpetuate the discriminatory gender relations which are at the basis of the practice. By doing so, it may contribute to a perverse effect, producing “precisely the opposite of what was intended” (Hirschman 2003, 36) – undermining, rather than enhancing, the freedom of choice in marriage.

As argued by Sam Sieber (1981) in his pivotal study of perverse effects in social interventions, it is essential to stress the difference between this outcome, characterized by a worsening of the conditions which were originally addressed, and “what are conventionally called side effects, externalities, or Spencer’s “collateral evils”” (Sieber 1981, 10). While side effects can be accepted as a reasonable cost given the overall benefits of the selected social intervention, in the case of a perverse effect “not only is the original goal unachieved, but the situation is made worse” (Sieber 1981, 12).

Similar Policy Frames

Based on these considerations, in this study *I hypothesize the presence of a common trend in the ways French and British public authorities frame forced marriage and gender equality policies aimed at the prevention of forced unions, despite differences in the policies and strategies adopted by multicultural Britain and republican France to tackle such phenomenon*. Similarities in the conceptualization of the practice, in turn, have contributed to the adoption of similar policy instruments despite dissimilar institutional contexts. In both countries, indeed, policy solutions have focused on instruments aiming at tackling the practice by either controlling cultural pressures at the point of marriage, or by discouraging transnational marriages through the implementation of restrictive immigration measures. This in turn has influenced the identification of the policy techniques and tools deemed the most appropriate to prevent and limit the phenomenon.

My hypothesis contrasts with one of the key claims of historical institutionalism, according to which dissimilar institutions lead to different policy outcomes across different countries (Thelen & Steinmo 1992). In order to explain the similarity of policy outcomes - measured by the adoption of similar policy instruments - despite different institutional contexts, the research will examine the role of *policy frames* (Bleich 2003). Despite acknowledging relevant similarities in the framing of gender relations at the national level in France and the UK, the analysis intends to determine *whether and to what extent analogous similarities can be identified at different levels of government* (both within and across these two countries), as patterns of convergence and divergence may differ across these different levels.

1.3 RESEARCH QUESTION

My research question is the following:

Is there a common structural cause which explains why two countries employing opposite models of immigrant incorporation have similar outcomes in their efforts to prevent forced unions, which may undermine – rather than enhance – the governments’ official aim to increase freedom of marital choices for people of ethnic minority background?

To answer such question, the research will consider whether conceptualizations of forced marriage and its prevention in French republican and British multicultural policies directed at the protection and promotion of human rights, may contribute in practice to a perverse effect, leading to outcomes contrary to those intended. If this is the case, this study will explore the ways in these policies are producing such outcomes.

It should be noted that - due to the lack of reliable quantitative data on forced marriage cases in both France and the UK, and the French ban on the collection of ethno-racial statistics - it is impossible to study variations in young people’s freedom to marry in terms of variations in the number

of forced marriage cases. Thus, the analysis of the policy instruments adopted to tackle forced unions - and the effects they are likely to have on young people's freedom of marriage in minority communities - will be used as a proxy. To do so, the study refers to the growing scholarly literature discussing the *qualitative* effects that policy instruments aimed at tackling forced unions might have on the freedom of marriage of ethnic minority young people (Chantler et al. 2009; Enright 2009; Anitha & Gill 2009).

The study does not intend to provide a detailed explanation of the causal mechanism leading to these unexpected outcomes (Hedstrom & Swedberg 1998). Rather than seeking to explicate the social mechanisms which generate and explain the specific policy processes leading to such outcomes, the research aims at illuminating republican and multicultural forced marriage prevention policies – and the framings of gender relations underpinning them - by a detailed case study of their development in France and Great Britain at different levels of government. By doing so, the study seeks to show that ideas – in the form of *frames* (Bleich 2003) – best contribute to explain the reasons why French and British policies aimed at the prevention of forced unions have led to similar policy outcomes despite different institutional contexts. While a detailed analysis of the social mechanisms would undoubtedly shade light on the specific aspects of the policy process translating ideas into practice (Zuckerman 2007), such analysis is beyond the scope of this research.

Perverse Effect and Unintended Policy Outcomes

The adoption of a primarily cultural lens in the prevention of forced marriage might have the effect of undermining the governments' official aim of protecting people – especially young women of ethnic minority background - from coerced marital choices. The cultural framing of the issue has contributed to the selection of a set of policy tools which can contribute to a perverse effect, producing “precisely the opposite of what was intended” (Hirschman 2003, 36). Before reviewing some of the main

consequences of such perverse effect, the following two sections will explain briefly what it is intended by cultural lens, and what the consequences of the use of such a lens are in terms of policy instrument selection.

Traditional Cultures: the Role of Exit Solutions

This study argues, from the analysis reported, that in both France and Great Britain the practice of forced marriage is understood by public authorities almost entirely as a product of “backward” cultural traditions. This in turn influences the selection of the policy instruments and related tools considered to be most appropriate for tackling of the practice. Within such context, the elimination of the practice is interpreted as the victory of universal human rights over oppressive minority cultures – reinforcing the categorization of forced marriage as a cultural practice, rather than as a sub-set of the broader phenomenon of discriminatory gender relations. As a result, French and British public authorities have directed their efforts against those cultural pressures which might prevent free marital choices amongst young people of ethnic minority background. In order to do so, preventive strategies have focused – to varying degrees - on the promotion of gender equality through the protection of human rights in stark opposition to what are perceived to be backward cultural traditions.

Despite differences in the legislative and institutional settings developed to tackle forced marriage, these conceptualizations are reflected in the policy tools available to young people willing to escape a forced union. Both French and British public authorities have identified a set of policy initiatives primarily centred on the right to exit one’s culture as a way to escape a forced union. Exit policies focus on directing people to alternative accommodations – such as refuges – while providing an “escort to enable them to collect personal property from the family home before making their escape” (Phillips & Dustin 2004, 11). Thus, despite differences between the two countries’ institutional frameworks, in

practice both French and British prevention policies and rhetoric are based on interventions encouraging young people to escape forced unions by escaping their own families and communities, leaving backward traditional cultures behind in order to join a world of “civilized” universal values.

While the merits of such an approach are undeniable (ability to act rapidly in emergency situations, and to take into account – at least in the UK – cultural specific issues via the introduction of the concept of duress), it also presents several shortcomings due to the policy instruments adopted. Firstly, it does not take into account the fact that women’s agency is often complex and contradictory, and influenced by a variety of factors.

Women may be willing to escape a forced union but not their culture, their decision being influenced not only by physical and emotional pressure, but also by fear of social ostracism and stigma (Anitha & Gill 2009, 175).

Secondly, approaches encouraging exit do not seem to consider that escaping one’s culture means entering alone a society still very racist (Anitha & Gill 2009, 176). In other words, approaches exclusively focused on exit overlook the needs of those young people who – despite being willing to escape a forced union – do not want to abandon their own community and cultural identity.

Finally, and most importantly, exit solutions neglect to act upon the broader spectrum of socio-economic issues underlying the discriminatory gender relations that are amongst the roots of forced unions, which “intersect with and aggravate cultural factors restricting women’s marital choices” (Enright 2009, 331). By doing so, a discourse focusing exclusively on the formality of human rights – and particularly on the notion of freedom of choice - is deprived of any efficacy if it does not effectively empower women as agents capable to refuse or escape unwanted marriages through the provision of adequate services.

The “Overseas” Dimension

The active use of immigration controls to tackle forced unions constitutes the second relevant common trait in the policy instruments adopted by France and the UK. In both countries the use of immigration restrictions has been prioritized in order to control the “overseas dimension” of the practice (the phenomenon of national citizens marrying partners from overseas) by imposing stricter controls and/or higher age limits on transnational unions (Phillips & Dustin 2004, 9; Rude-Antoine 2010). Such restrictions are implicitly justified by the idea that the spouses involved in a transnational union might be particularly at risk of being forced into a marriage due to the cultural origins of the partners.

However, research shows that using immigration controls – whether in the form of stricter monitoring of transnational marriages or specific age requirements imposed on such unions - as the main instrument to limit forced marriages may have some key unintended consequences. On the one hand, by disproportionately affecting people of ethnic minority origin, it may reinforce to the eyes of minority communities the belief that the real purpose of such initiatives is the limitation of immigrants’ access (Samad & Eade 2002, 105). As An-Na’im (2000) has suggested, communities are likely to turn inward and reinforce traditional practices whenever they feel under siege. On the other hand, it can limit – rather than enhance - the marital choices of ethnic minority young women who freely decide to follow the cultural practice of arranged marriage (Enright 2009, 331). Even worse, it can increase the risk of physical and/or psychological harm to potential victims, which may be more likely to be deported abroad to be forced to marry (Gangoli & Chantler 2009) – leading public policies to achieve the opposite of an increased freedom of marriage.

For such reasons this study argues that the interpretation of the issue of forced unions primarily through a cultural lens has led French and British public authorities to “myopic policy-making” in the field of forced marriage prevention – to quote a term used by Enright (Enright 2009,

334). Indeed, as the analysis of recent legislation and policy developments in France and the UK suggests, current prevention policies neglect to address the needs of women who cannot, or do not want to, escape their own cultures - undermining the governments' stated aim of enhancing freedom of choice in marriage through the promotion of gender equality and the protection of human rights.

In order to justify such claims, the research will undertake a detailed analysis of the public rhetoric and policies aimed at the prevention of forced unions these two countries – what could be defined as the “governance of forced marriage”. Such an approach implies an analytical focus on the structures of French and British governments at different institutional levels to unveil the role played by each level and by the various institutions involved in the prevention of the practice. Over the course of the analysis, relevant public debates, legislation, policy formulation and outcomes will be considered. Their effect on the regulation and prevention of the practice will be examined, with particular attention to possible unintended outcomes.

Despite taking into consideration the cultures, the practices, and the incidence of forced marriage across selected minority communities, it is essential to clarify that this study does not aim at providing a socio-anthropological analysis of the phenomenon. While it is necessary to refer to some key sociological and demographic aspects in order to better understand the potential effects of current policy making, a more direct ethnographic engagement with the affected communities is beyond the scope of this research.

Chapter Two:

LITERATURE REVIEW.

The Limits of the Existing Literature

Before engaging in the review of the literature relevant to the study, this section stresses the rationale underlying the selection of its central themes, as well as the limits of the existing scholarly works. The first part of the chapter will be devoted to the analysis of the French and British models of immigrants' incorporation, as one of the key claims of this research is that different philosophies of incorporation have influenced the adoption of different institutional frameworks tackling forced marriage and its prevention.

As the literature on models of incorporation is extremely rich, only the most relevant contributions - and how they relate to the theoretical and empirical concerns of the thesis - will be discussed. Along with country-specific studies, both the French and the British models have already been subjected to a detailed comparative analysis by a number of scholars (such as Bertossi 2007b, Favell 1998, Layperonnie 1993, Brubaker 1992), who all note the stronger focus on racial relations of the British approach compared to the French focus on economic issues. In the early 1990s Rogers Brubaker's (1992) landmark work on French and German civic conceptions of citizenship most significantly contributed to renewed attention on integration policies across Europe. Layperonnie (1993) and, less than a decade later, Favell (1998) dealt with this subject in even more depth, analysing the philosophies underlying the integration policies of the two countries addressed in this analysis. Favell, in particular, offers a comprehensive comparative study of the distinct ideas and political arguments that have shaped French and British policies towards their ethnic minorities, and the effects of these intellectual frameworks at local, national and European levels (Favell 1998).

The ways in which each country's philosophy of integration addresses the defence of women's rights in relation to group rights will be briefly explored. The scholarly literature has extensively analysed multiculturalist and assimilationist policies aiming to solve the tensions between individual and cultural rights in the case of harmful practices against women – and the limits of these approaches (Lépinard 2008; Anthias 2002; Benhabib 2002; Shachar 1999, 2001; Siim 2000; Okin 1999, 2002; Young 1997; Saghal & Yuval-Davis 1992). However, while the literature over controversial practices such as the wearing of the hijab (Joppke 2009) and the tradition of female genital mutilation (Guiné & Moreno Fuentes 2007) is vast, the scholarly debate over forced marriage is more recent and less developed – especially in France. The key themes of this debate will be discussed in the second part of the chapter. To some extent, the questions arising from the tensions between individual and group rights do not apply to the case of forced marriage, as both French and British public authorities agree on condemning the practice as a violation of human rights. Thus, rather than on the individual/group dilemma, the debate over forced unions has focused on the identification of their structural causes (Wikan 2002; Razack 2004a; Collet & Santelli 2008), the classification of eradication strategies (Phillips & Dustin 2004), and the underlying policy frames (Phillips & Dustin 2004, 2008; Wilson A 2007; Collet & Santelli 2008). “Culturalist” explanations (Wikan 2002) are opposed to those approaching forced marriage as part of the broader issue of violence against women. Supporters of the latter view stress the importance of addressing discriminating gender relations to effectively prevent and fight forced marriage, rather than exclusively providing women with tools to “exit” their own cultures (Razack 2004a; Collet & Santelli 2008).

Despite the existence of scholarly works deconstructing the racism and sexism often underlying cultural explanations of forced marriages (Razack 2004a; Hamel 2008; Durand & Krefa 2008), little research has explored how multicultural and assimilationist policies in practice address the discriminatory gender power relations that are at the roots of this

practice. An in-depth analysis of differences and similarities between the two models of integration in this field could bring some complexity in the picture, unpacking the logic that underlies each country's approach to discriminatory gender relations, and analyzing how this in turn has influenced the selection of policy tools. In particular, with regard to the reality of the policies implemented, it seems appropriate to focus on educational policies (especially high school education) due to the preventive role French and British public authorities attribute to education in the fight against forced marriages (Lazaridis 2004; Khanum 2008). The importance attributed to education is contrasted by the scarcity of studies dedicated to the topic (Lazaridis 2004; Brown 2006).

The analysis of educational policies will be characterized by a multi-level approach, aimed at examining the relations between different levels of government as well as between the public administration and civil society organizations (Zincone & Caponio 2005). Rhetoric and policies at different institutional levels (supra-national, national, regional, municipal, and sub-municipal) will be analysed, along with the relations amongst actors at different levels (i.e. the institutions and/or actors positioned in different territorial policy-making contexts) – as important variations might take place within countries and across different institutional levels and actors. Even though there is a wide acknowledgement of the relevance of supra-national, national, and regional institutions in local policy, how these interact is still an under-researched domain.

This approach is even more relevant given that the study of both national models of incorporation has tended to focus on a few, macro-institutional variables (such as institutional variables at the national level, and colonial legacy) (Favell 1998; Brubaker 1992). This has often overshadowed the complexity of processes of integration usually taking place at the local level, where policies have not necessarily complied with principles stated at the national level.

Similarly, the most comprehensive comparative studies on the practice of forced marriage (Clarks & Richards 2008; Rude-Antoine 2005) do not go beyond the analysis of the national level. Studies providing an in-depth

analysis of the forced marriage at the local level are still rare. Examples of recent research are the study conducted in 2002 by Yunas Samad and John Eade – which examined perceptions of forced marriage amongst Pakistani and Bangladeshi communities in the UK - or the research on forced marriage in Luton, UK directed by Nazia Khanum in 2008. Another remarkable example is offered by the study of local practices in four undisclosed local authorities by Kazimirski et al. (2009). In France, Neyrand et al. (2008) have conducted a sociological research on forced marriage in the cities of Paris, Marseille and Lyon, mapping for the first time the relevant associational and institutional actors involved in the fight against the practice. Saida Ousmaal (2008) has also conducted a research on the experience of the Working Group on Forced Marriage created in Lyon in 2003, and still active, under the aegis of the Departmental Commission on Violence against Women (*Commission départementale d'action contre les violences faites aux femmes*).

Additionally, studies addressing the problematic aspects of local policy often implicitly take into account just one aspect of the policy process, focusing on decisions pursued officially by municipal administrations and on the conditions that lead to the adoption of those decisions. On the contrary, this study will acknowledge that, far from being homogenous, the preventive role of educational policies is likely to present significant variations over time and across different stakeholders. Thus, the research will also analyze other actors potentially involved in bottom-up pressures (especially civil society organizations, in particular immigrants' and women's associations) – which are still under investigated.

Finally, comparative studies at the sub-national level have remained largely unsystematic. In particular, there is a lack of combined cross-country and cross-city comparisons. Such comparisons might be helpful to determine to what extent local decision-making processes are conditioned by the specific national legal system and which kinds of similarities and dissimilarities can be detected *ceteris paribus*.

2.1 THE FRENCH MODEL: ASSIMILATIONISM/REPUBLICANISM

As Patrick Simon (2006) argues in his study on French integration policies, “the sociological and political construction of the ‘immigration issue’ remains unique in France, neither following the immigration path of other countries in Europe and North America, nor employing the same vocabulary” (Simon 2006, 1). French policies of inclusion towards immigrants always aimed to achieve integration through an exchange: the citizenship of the *République* - and associated rights - in exchange for forgoing any claim for one’s ethnic, cultural or religious identity in the public sphere. In practice, an immigrant’s identities must remain confined to his/her private life. In public life s/he is required to conform to the secular and republican values inherent to the French notion of citizenship, but often different from those of his community of origin. In the case of forced marriage prevention, the republican refusal to acknowledge all differences in the public sphere translates in the decision to tackle the practice within the broader context of violence against women, without the introduction of ad hoc legislation or institutions.

Gérard Noiriel (1988) has referred to *le creuset français* – the French melting pot – to describe this process of incorporation where groups were expected to replace their specific identities with a national identity, rather than preserving them in a multicultural context. Similar conclusions emerge from Brubaker’s comparative analysis of France and Germany (1992) and other contributions (Weil 1990, 1995, 2002; Wihtol de Wenden 1987, 1999; Feldblum 1999). They also constitute the starting point for the study by Favell (1998), according to whom the nation-state had the practical means to translate such ideology into practice: principally the public education system (compulsory, free, and secular schooling - which has always been efficient and widespread across the country), and the compulsory military conscription (only recently abolished in 1997).

This model is in crisis today and has been the object of criticism and revision attempts over the past two decades. In opposition to the growing

anti-immigrant sentiment led by the far-right Front National (FN), in the 1980s a number of organizations formed to assert the rights of France's ethnic minority communities. They introduced for the first time the notion of *droit à la différence* in the public debate on immigration. Since then, other issues such as the emergence of Islam in Europe, anti-discrimination battles and harmful traditional practices - including forced marriage - helped introduce debates on multiculturalism in France, a former taboo in the republican model (Withol de Wenden 2007, 53). In an effort to deal with the growing demands of recognition expressed by some immigrants, and due to the emergence of the issue of ethnic discrimination, in 1989 a new institution was established, the High Council for Integration (Haut Conseil à l'Intégration: HCI), with a consultative role to the government on the integration of immigrants. The HCI intends to promote the successful incorporation of individuals, rather than groups, into the nation-state. It refers to an abstract notion of equality of rights, rather than to the equality of opportunities or the fight against discriminations.

Despite its changed public rhetoric, the integration discourse still clashes with social and institutional practices (Simon 2006, 2). The persistence of the perception that French society is able to “naturally” integrate immigrants is accompanied by the incomplete recognition of the institutional and structural dimensions of racism and discrimination – still perceived mainly as individual (Sala Pala & Simon 2007, 6). Even though the issue of ethnic discrimination is less taboo than a decade ago, French society still struggles to represent itself as ethnically differentiated. Race and ethnicity are absent from the census form, and a 2007 amendment to France's immigration law - which would have made it easier for the state to collect ethnic and racial statistics for the French population - met resistance from multiple quarters and was eventually held to be unconstitutional. This has important repercussions on the effectiveness of the efforts to tackle forced marriage, which are hampered by the lack of statistics and estimates on the practice and the population affected by it. In addition, the lack of services responding to the needs of victims of those at risk of a forced union threatens their effective integration, as

explained in chapters six and seven. The reluctance to take into account ethnic minority needs is partly due to the traditional French bias against any policy that might be considered as “multicultural” or “*communautaristes*”, terms vaguely identified with limitations of individual rights based on group claims undermining the universalist ethos of the *République*, but never clearly defined (Sala Pala & Simon 2007, 2).

If the prior two decades had been dominated by the debate over the concepts of access to citizenship and nationality, the new century has been characterized by a growing interest of the general public – and of the media in particular - in the notion of *laïcité*, perceived as threatened by the integration (or lack thereof) of Muslim immigrants. Once again, the burden to integrate falls primarily on the shoulders of immigrants, and their alleged difficulty to integrate depends on the obstacles imposed by their own identities – even though within a public discourse centred on the notion of civic integration (or “neo-assimilation”, as defined by Brubaker (2001; 2003)), rather than assimilation (Garbaye 2007; Joppke 2009). Such a rhetorical shift is due to the fact that in France - as in the rest of Europe and in most countries of immigration - the term assimilation has acquired strong negative connotations over the years, mainly because of its perceived organicist understanding of society as unitary body and its outdated disregard of differences. While the concept of assimilation refers to a unidirectional process of adaptation whose final goal is the elimination of cultural differences from the public sphere, *intégration* is intended as implying a mutual accommodation between migrants and the host society – where the accent is on the process rather than on a pre-determined final goal of acculturation.

This shift in public rhetoric has not corresponded with a significant change in institutional practices, which can still be considered as thoroughly assimilationist in their nature (as confirmed in 2004 by the outcomes of the Commission Stasi – set up by former President Chirac in 2003 in order to reflect on the principle of *laïcité*, and which eventually led to the introduction of the law on secularism and conspicuous religious

symbols in schools in 2004). The obsession of “communitarianism” still evokes the threat that ethnic identities are considered to constitute against the values of the Republic (Sala Pala & Simon 2007, 4).

It appears clear that - notwithstanding the use of new labels such as neo-assimilation or integration - old questions still remain unanswered: assimilation in what respect, over what period of time, and most importantly to what reference population and values? These lingering questions remind us that there is no such thing as “civic impartiality”. Rather, the universalism of the *République* is in reality biased, masking the dynamics through which the particular perspectives of dominant groups claim universality – contrary to what is common rhetoric in the republican approach (Lépinard 2008). Though largely unacknowledged in the literature from the past, this particular paradox of French universalist republicanism has received a degree of critical attention in recent years.

Republican Universalism and Women’s Rights

The republican citizenship represents individuals as universal abstract figures, rather than as social agents belonging to a specific group or recognizing themselves in a specific identity (Brubaker 1992; Favell 1998). French feminists are among the early critics of the alleged universalism of this representation. This section aims to show how their efforts, intended to promote gender equality, have also broken up potential solidarities with other groups discriminated against on the basis of ethnicity or religion. Such a rupture is still visible in the dynamics characterizing the forced marriage debate in France.

Over the past two decades, feminist scholars and advocates have emphasized the “contradiction between universalism in French political culture and de facto exclusion of women” that has characterized the French republic until relatively recent times (Siim 2000, 49). In their analyses, the French Republic is considered to be historically “both officially gender blind (...) and factually gender biased” (Lépinard 2008, 3). As pointed out by Eléonore Lépinard, “[in] the doctrine of abstract

citizenship in reality (...) the universal [means] masculine” (Lépinard 2008, 6). These claims are based on the argument that the republican discourse is centred on a conception of women’s rights and of the family, which defends an active family policy while serving as “an influential institutional and cultural barrier to women’s equal integration as citizens” (Siim 2000, 20) – an approach defined by some feminist scholars as “republican maternalism” (Bock 1992 cited in Siim 2000).

Such claims have gained significant ground, to the point that the terms of the debate concerning the relation between gender equality and republican values seem to have shifted, leading to an increased incorporation of feminist values in the official policy discourses and thus contributing “to the gendering of the republican motto” (Mazur 2005 cited in Lépinard 2008, 4). The parity reform – which advocated for the equal representation of women and men in political institutions and led to the modification of the Constitution in 1999 - has probably contributed the most to this recent shift (Siim 2000, 49; Lépinard 2008, 4). However, the fight of women’s groups - in its efforts to advocate for a more effective understanding of gender equality - has paradoxically led to both a break with the traditional republican notion of equality and to its reinforcement (Lépinard 2008) against equality claims voiced by social movements mobilized along ethno-cultural lines. Ten years after the parity reform, the rift between these and women’s groups is still very much present (Durand & Krefa 2008), accompanied by an increasing mobilization of social actors along lines of race and religion (Lépinard 2008).

In 2004, the headscarf affair – characterized by a marked opposition between some feminist associations and groups mobilized on the basis of ethnic and religious affiliations - heightened the tensions between women’s rights and minority rights advocates (Lépinard 2008, 28), as well as within the women’s rights movement itself (Durand & Krefa 2008). While some women’s groups supported the introduction of the ban on the exhibition of religious symbols in public spaces, others criticized such initiatives as further discriminating and stigmatizing Muslim girls refusing to unveil, and depriving them of the right to education (since,

according to the law n. 2004-228, 15 March 2004, those who do not comply with the law should be expelled by public schools) (Durand & Krefa 2008, 194). As shown by the controversial ban on burqas introduced in April 2011, the debate continues, and it has incorporated other topics concerning women's rights in minority cultures – including the practice of forced marriage (Durand & Krefa 2008).

This debate is analysed by Sandrine Durand and Abir Krefa (2008) in their essay on French feminist associations and their attitudes towards cultural practices (including forced unions). According to the authors, the critiques put forth by some sectors of French feminism to minority communities for their inherent sexism risk being utilized by certain sectors of French politics and media for purposes others than gender equality. In the authors' view, the adoption of "pseudo-feminist" rhetoric has contributed to render old security issues – such as immigration control and national security - more progressive (Durand & Krefa 2008, 198), without being matched by an effective political commitment to ethnic minority women's rights (Hamel 2005). As they suggest, this would be confirmed by the fact that – despite the much trumpeted political emphasis on fighting violence against women – as of 2008 only very scarce resources were devoted to policies fighting "cultural" forms of violence against women such as forced unions and female genital mutilation (Durand & Krefa 2008, 199).

2.2 THE BRITISH MODEL: MULTICULTURALISM / RACE RELATIONS

Historically, multiculturalism in Britain first consisted of an approach allowing citizens of the United Kingdom and Commonwealth – arrived to the UK as post-war migrants – to exercise their citizenship in the aftermath of the Second World War. To this aim, it recognised newcomers - and the subsequently British-born generations - as "ethnic and racial minorities requiring state support and differential treatment to overcome distinctive barriers in the exercise of citizenship"

(Meer & Modood 2008, 7). Contrary to France, in the UK citizens have always been – and still are - categorized as belonging to various ethnic and religious minorities, and a precise legal definition of the notion of British citizenship was adopted only in 1981 (Favell 1998; Hansen 2000; Lassalle 2002). According to Joppke (1999), the British model of integration “stops short of giving special group rights to immigrants”, referring to a notion of a citizenship that has amounted to a “precarious balance between citizenship universalism and group particularism” (Joppke 1999, 642 cited in Meer & Modood 2008, 7). As a result, since the mid-1960s, what is known as the British model of Race-Relations has granted ethnic and religious minorities a far greater amount of public freedom than they have in France – in a society which lacked an official Multicultural Act or Charter in the way Canada has (Crowley 1994; Favell 1998; Lassalle 2002).

Starting from the 1980s, the language of multiculturalism gained dominance in public policy discourse, in particular in relation to issues such as education, health, and social services. Undoubtedly, the different resources at the State’s disposal played a role in the British authorities’ choice of policies. British governments have regarded multiculturalism as the least costly political choice for a society lacking in unifying structures comparable to those of France. Great Britain, for instance, has always lacked an efficient public education system, and conscription was limited due to the historical maritime focus of the British armed forces (Favell 1998). In other words, the approach to immigration in the UK has been more dependent on administrative and bureaucratic process than on ideology (as in France).

However, on the whole, the measures taken remained largely symbolic (Solomos 2003), producing far different results than intended. Instead of a successfully integrated urbanity, this political choice seems to have led at times to the development of ethnically based ghettos. Since the civil disturbances in Northern England in the summer of 2001, and in the aftermath of the terrorist attacks to the US on September 11 of the same year, the debate about what integrating immigrants means, and how it

should be pursued in practice, were priorities for the Blair-Brown Labour government. In the last ten years, government policy as represented in white papers and reports has deliberately dropped the language of multiculturalism in favour of building “community cohesion” through integration - intended as a “two-way process with responsibilities on both new arrivals and established communities” (Home Office 2004, quoted in Vasta 2007, 10).

Implicitly suggesting a more critical stance towards multiculturalism, this definition of integration echoes concepts familiar to the French rhetoric on assimilation (term that still has a strongly negative connotation in the UK), rather than its original meaning as used in 1967 by the then Labour Home Secretary Roy Jenkins (Jenkins 1967). In a much-cited speech from 1966, Jenkins rejected the melting pot ideal and defined integration “not as a flattening process of assimilation but as equal opportunity, coupled with cultural diversity, in an atmosphere of mutual tolerance” (Jenkins 1967, quoted in Phillips 2007, 4).

The current accent on integration and the dangers of cultural segregation shift the focus away from economic inequalities to the values and mores of minorities (Cheong et al. 2007, 4), including practices – such as forced marriage - which are perceived to be “imported” by “backward” cultural traditions. This has resulted in a public discourse that seems pervaded by what commentators across the political spectrum see as the dangers of too much ethnic and cultural diversity. In the field of forced marriage, this stance has translated in the gradual abandonment of special services for ethnic minority people since the introduction of the Supporting People Programme in 2003.

As Phillips suggests, “it is interesting to contrast this rising anxiety concerning cultural segregation with the relative complacency regarding class segregation” – especially since “the latter has intensified over recent decades, as the gap between rich and poor widens” (Phillips 2007, 6). A political rhetoric focused on the dangers related to cultural segregation neglects to address other forms of discrimination which might accompany – and aggravate – the segregation of ethno-religious minorities. The focus

on the cultural aspects of integration is reflected in the nature of the support provided to forced marriage victim. This focuses on tackling the cultural roots of the practice, without addressing the financial constraints that might limit young people's ability to say no to an unwanted union (Anitha & Gill 2009).

Multiculturalism and Women's Rights

It is unclear what the current rhetoric on community cohesion implies in practice for the treatment of ethnic minority women. Both popular and policy discourses refer to phenomena concerning the treatment of women and girls as the most recurrent examples of issues perceived as evidence of a conflict over fundamental values. The centrality of ethnic minority women in the current debate over multiculturalism is stressed in an editorial by Phillips and Saharso (2008, 293), where the authors suggest that the degrees of assent to women's rights is considered more and more frequently as indicator of the degrees of integration of minority cultures.

This concern over the relation between women's and cultural rights is recent. Throughout the 1990s, it was not uncommon to consider gender equality and multiculturalism as compatible policy goals, both being based on the respect of diversity. However, since then several scholars have stressed the damage that can be done to women in minority groups, and the role played by multicultural policies. This literature has drawn attention to "the potential sacrifice of women's rights in the pursuit of certain policies of multiculturalism", referring to those cases where "multicultural policies (...) encourage public authorities to tolerate [cultural and religious] practices that undermine women's equality" (Phillips & Saharso 2008, 294). Notable contributions include the work of feminist authors such as Gita Saghal and Nira Yuval-Davis (1992), Ayelet Shachar (2001), Floya Anthias (2002), and the late Harvard professor Susan Moller Okin (1999; 2002).

In her controversial essay *Is Multiculturalism Bad for Women?* Okin (1999) famously argues that not only is the putative compatibility

between feminism and multiculturalism questionable, but that – under certain conditions – policies arising out of multicultural impulses can be in practice anti-feminist (Fisher 2004, 113). In some circumstances – the author continues (1999) - minority rights may clash with gender equality, giving male community leaders support to impose “traditions” on women, who are often weaker and more vulnerable members of these groups. Scholars such as Seyla Benhabib (2002), Iris Marion Young (1997), and Nira Yuval-Davis (1992) have all stressed how this is all more detrimental to ethnic minority women. Belonging to communities structured along deeply rooted patriarchal lines, they are caught in intragroup and interfamily inequalities that are mostly ignored by mainstream political theory (Guiné & Moreno Fuentes 2007, 485). Despite its merits, Okin’s contribution – published around the same time as Samuel P. Huntington was advancing his “clash of civilization” thesis - has been criticized on a number of grounds (Cohen et al. 1999; Bhabha 1999, 82; Anthias 2002, 276-9; Fisher 2004, 115; MacDonald 2009, 354-5; Deveaux 2006; Song 2007; Phillips 2007).

It is important to remark that the struggle to accommodate women’s and cultural rights is not a problem exclusive to multicultural Britain. It is noteworthy that, over the past few years, even the Scandinavian countries - historically characterized by a strong tradition of promoting gender equality and respect for cultural differences - have seen their policies in this field questioned with regards to women in minority communities. To mention a well-known example, the anthropologist Unni Wikan (2002) has famously accused the Norwegian government of being too respectful of the cultural practices of Norway’s immigrants, and of its Muslim minorities in particular. According to Wikan, women living in minority communities have paid the price for what she defines as the government’s “generous betrayal”, a price that has often included violence against their person (Wikan 2002). The reason for this betrayal, Wikan suggests, is a particular Scandinavian vulnerability – namely, a “generous, misguidedly tolerant and humanitarian Norwegian culture”

(Razack 2004a, 141), terrified of doing anything that could be branded as racist (Wikan 2002, 7).

As Sherene Razack notes in her analysis of Norway's response to the issue of forced marriage (2004a, 143), Wikan's argument shares with other feminists (such as the UK-based group Southall Black Sisters) the position that multicultural policies have inhibited many from condemning Muslim patriarchal practices. However, Wikan's contribution stands out for her invocation of "Europeans' innate civility" (Razack 2004a, 143). Paraphrasing Liz Fekete's (2006, 10) comments about European governments' general attitude towards immigrants, one could say that – according to Wikan – overtolerance over different people is Norway's Achilles' heel, consequence not of evil, but of too much goodness. Peculiar to Wikan's analysis is a subtle – and questionable, according to Razack (2004a) – reference to European superiority, intended as a "misguided generosity towards racial Others and a propensity to respect other cultures" (Razack 2004a, 143), that seems to leave no room for the acknowledgment of the role potentially played by racism in Norwegian culture. If racism is mentioned at all, indeed, it is only to note its absence. Similar tones can be found at times in French and British official policy discourse on forced marriage prevention (analysed in chapters four to seven). Aimed to foster gender equality through the universalism of human rights, such rhetoric has been questioned by several commentators with regard to its ability to address intersectional engagement with other rights issues that forced marriage victims may be exposed to (Durand & Krefa 2008; Anitha & Gill 2009; Enright 2009) – as it will be further discussed in the next section.

2.3 ETHNIC MINORITY WOMEN IN FRANCE AND GREAT BRITAIN: BETWEEN INDIVIDUAL AND CULTURAL RIGHTS

Amongst the consequences of the practices of British multiculturalism, some observers also include the risk of rendering women – especially those exposed to the risk of being victim of harmful traditional practices –

“invisible within the cultural relativism of the British multicultural discourse” (Meetoo & Mirza 2007, 188).

A similar risk – due to different dynamics – is very much palpable within the blind universalism of French Republican rhetoric. As pointed out by Morokvasic and Catarino (2007) in their analysis of ethnic minority women in contemporary France, the defence of immigrant women’s rights continues to be well off the radar of French policy makers. While their role in the French economy as independent actors is growing steadily, recent immigration laws (2003, 2006) have diminished in practice their individual freedom by reinforcing their dependency on husbands for the maintenance of their legal status as immigrants (Morokvasic & Catarino 2007, 4). Even though issues such as forced marriage and “honour” crimes are gaining public visibility, politicians and scholars have only recently started to focus on the search for effective solutions.

However, since 9/11 an opposite trend has somehow counterbalanced this invisibility. The growing Islamophobia has made minority women much more visible on the public agenda through the sensational accounts of their stories of subjugation produced by several media outlets (Dustin & Phillips 2008). Yet, this growing visibility has not been accompanied by mutual understanding or exchange. Rather, minority women are “now contained and constructed in the public consciousness within a discourse of fear and risk posed by the presence of the Muslim alien ‘other’” (Meetoo & Mirza 2007, 188).

In both countries, ethnic minority women become visible mainly – if not exclusively – with regards to the control (or lack thereof) of their sexuality. Whether victims of domestic violence, of harmful traditional practices, or of male domination allegedly represented by the wearing of the hijab, immigrant women – whether Muslim or not - tend to be present in the mainstream media and the public discourse only as “victims” (Morokvasic & Catarino 2007, 5; Meetoo & Mirza 2007, 188; Dustin & Phillips 2008).

Notwithstanding these similarities, France and the UK also face important barriers to implementing the policies addressing gender equality amongst ethnic minority women that are country-specific, and sometimes clearly related to the model of integration adopted by each country. In France, for instance, even though the defence of women's rights is prioritized over the respect of cultural rights, a misguided cultural relativism – defined as the tendency to interpret and justify someone's beliefs and in terms of that individual's own culture (Jama 2004, 29) - seems to play a significant role in the performance of public service providers. According to the study conducted by Neyrand et al. (2008), these sometimes tend not to intervene in suspected cases of forced marriage unless a clear element of violence is involved (Neyrand et al. 2008, 22). Even when service provision is not undermined by issues of cultural relativism, it often proves to be inadequate due to the republican refusal to adjust social services (such as refuges and shelters for battered women) to the specific needs of different immigrant communities, while insisting on a generalist “one-size-fits-all” approach (Petek 2004; Philippe 2008).

In the UK, the focus on racialized positions - rather than gendered ones - has given rise to some acute cases of women's exclusion from the benefits of public services (Meetoo & Mirza 2007, 188). In this regard, Meetoo & Mirza (2007) stress how “women from ethnic minorities can lack protection because organizations are fearful of being seen as racist when taking a positive stance in relation to culturally specific problems such as honour crimes and forced marriages” (Meetoo & Mirza 2007, 191-92), echoing analogous claims made by Unni Wikan in the case of Norway (Wikan 2002). Additionally, Amrit Wilson (2007) has pointed out that the reluctance to intervene in minority communities' affairs has implied the strengthening of existing power relations (particularly South Asian patriarchy) which penalize women's rights (Wilson A. 2007).

Given the shortcomings of the current policies highlighted by Meetoo & Mirza (2007, 188), the authors continue their critical analysis by advocating the adoption by British public authorities of an effective

human rights approach to “honour” crimes. By stressing “patterns of domestic violence across cultures”, such an approach would allow British authorities to avoid falling in the so-called “gender trap” of cultural relativism” - which often plagues multicultural discourses in liberal democracies (Meetoo & Mirza 2007, 188). According to the authors, an approach centred on human rights would create a “collective awareness of the issue” of domestic violence, giving “gendered violence the status of a global risk” (Meetoo & Mirza 2007, 188).

To a certain extent, the approach suggested by Meetoo and Mirza (2007) recalls the human rights framework dominating the French discourse and policy on gender equality. However, the authors are aware of the practical and theoretical concerns raised by the universalism of human rights as adopted by French political rhetoric and practices – which offers a way to protect women against abuse by mainstreaming women’s concerns and experiences into the human rights framework. Above all, it is questionable whether the machinery of human rights has the ability to transcend differences and create a common language and effective tools that can successfully address issues of oppression and gender power relations at the root of domestic violence (Meetoo & Mirza 2007, 196; Lépinard 2008; Petek 2004). In other words, the translation of the abstract language of human rights into policies able to address structural issues is far from automatic. In addition, an approach based exclusively on the universalism of human rights tends to be problematic when addressing intersectional engagement with rights issues, and potentially inadequate when creating a positive legal and political culture for equality seeking initiatives (Meetoo & Mirza 2007, 196) – as shown in the case of France.

The shortcomings of a human rights based approach which does not take adequately into account differences have been the focus of a growing French literature. In his analysis of the French approach to gender equality in the field of immigration, Eric Fassin (2006) argues that the concepts of freedom and equality – applied to those of gender and sexuality – have become the new vocabulary, and simultaneously the battle field, of a renewed French republicanism in a post-colonial

environment (Fassin 2006, 26). Indeed, as shown by Lépinard (2008) in her analysis of the French parity reform, gender equality claims have challenged at first, but subsequently reinforced the universalist ideology of French republicanism. As a result, the public rhetoric of the equality of sexes (*la démocratie sexuelle*, as Fassin defines it) seems to have taken the place of the colonial rhetorical focus on the civilizing mission of the French Republic. After all, issues such as forced marriage – Fassin points out (2006, 129) – were already mentioned in the public debate as obstacles to the assimilations of imperial subjects, especially in Algeria. However, today's rhetoric differs from the colonial discourse in an important aspect. Instead of idealizing the sexual lasciviness of the racialized woman, her subjugation to an oppressive domination at the hands of (often Islamic) tradition is emphasized (Fassin 2006, 130), confirming the current trend of depicting ethnic minority women mainly as victims.

These studies show that the application of a logic solely centred on the promotion of women's human rights cannot constitute an automatic solution to the shortcomings of the British approach to the fight of harmful practices against women. In the effort to find a common ground for these apparently opposite perspectives (the respect of individual vs. group rights), recent research on Muslim girls' religious education (Brown 2005; Dwyer 1999a, 1999b, 2000) has discussed the potential benefits of a human rights logic which, rather than imposing Western values upon ethnic minority women, would provide them with the skills and empowerment to negotiate their preferences within their own cultures. Instead of referring to notions of rights based exclusively on Western individualism, these works focus on conceptualizations of women's agency recognizing that people's relationships to their social and cultural arrangements and practices are complex and not best characterized as matters of either autonomous choice or oppressive constraints (Deveaux 2006). In particular, some forms of religious education might prove especially successful in empowering young women to insist upon the separation of culture and religion in order to

challenge traditional marriage arrangements – as shown by Brown in her study of young Muslim women, stressing that Islam permits arranged marriages but forbids forced ones (Brown 2006, 421).

Harmful Practices against Women

By definition at the centre of the scholarly debate between individual and cultural rights, cultural practices harmful to women have also become a media magnet in contemporary Europe (Dustin & Phillips 2008; Rude-Antoine 2005). The growing politicization of issues of gender and sexuality usually tends to represent the Western system of values – presented as democratic and based on the equality of sexes – as opposed to the values of the racial Other, symbolizing a culture repressive of sexuality and of women in general (Fassin 2006, 126). As noticed by Prina Werbner in her comparative analysis of France and the UK (2007), cultural “practices have come to be symbolically loaded with new connotations”, implicitly standing for wider religious and national symbols that transcend the practice itself (Werbner 2007, 162). This observation echoes the French Arabic scholar Olivier Roy’s argument that “cultural and religious paradigms are now widely used in popular debate to explain societal and political issues” (Fekete 2006, 7-8).

With its focus on values, the current debate seems to assume the existence of a homogenous set of Western values, expressed by the state as guarantor of the collective identity associated with them (Fekete 2006, 9). Such an assumption is arguable on various levels. However, despite the adoption of different strategies - and corresponding underlying ideologies - to tackle gender equality in the context of immigration, it is undeniable that France and the UK show agreement over the condemnation of those cultural practices that most clearly constitute harm to women (namely, female genital mutilation, forced marriage, and “honour” killings). According to French and British legislation, these practices - whether defined as specific crimes or within the broader context of violence against women - are violations of fundamental human rights, such as “the

right to life, freedom, and psychic and physical integrity” (Guiné & Moreno Fuentes 2007, 479). They exemplify the problem of the limits of acknowledging difference and collective rights, showing the tension between the respect of equality and difference, between individual and cultural rights. As Guiné & Moreno Fuentes (2007) note in their analysis of female genital mutilation in France and Great Britain, both legislators face the dilemma of “how to articulate citizenship as a principle of legal and political equality (...) and particular forms of belonging amongst minority groups in a “post”-colonial context” (Guiné & Moreno Fuentes 2007, 479-80). In France, unlike Britain, these problems are usually linked to the recent rise in Islamic radicalism amongst young people, rather than to “backward” Muslim or Asian traditions (Werbner 2007, 163). However, both countries share a public discourse based on the perception of Muslim as a “problematic minority refusing to integrate” (Werbner 2007, 163).

Despite facing some key common challenges – and despite the existence of important variations between the official discourses and the policies finally implemented - French and British public authorities have responded differently to harmful traditional practices in general, and forced unions in particular. Each country’s paradigm of immigrants’ integration has influenced the overall strategy adopted by the respective public authorities, rendering some options easier to choose than others. The public and policy discourses on immigration control have also played a key role in shaping the current terms of the debate.

As argued by Guiné and Moreno Fuentes (2007), the Race Relations and the Republican model “have exerted a considerable influence in determining the delicate balance between the protection of individual and collective rights in these two countries” (2007, 477, 506). On the one hand, consistently with the critiques generally leveled against British multiculturalism, the UK model has shown a hesitant position in the defence of minority women’s rights in the context of cultural pluralism. Paradoxically, the first European country to pass antidiscrimination and equal opportunities legislation and one of the first to elaborate a formal

definition of forced marriage and a law providing victims with civil remedies, is characterized by a disappointing performance in the eradication of the practice within its territory (Wilson A. 2007).

On the other hand, the universalistic tendencies of the French Republican model have caused the refusal of even the mildest request for the recognition of the multiethnic and multicultural character of French contemporary society. In the case of policies against forced marriage, specific laws were never passed, and an official definition is yet to be adopted - contrary to the British case. This situation apparently mirrors the case of female genital mutilation policies, where Great Britain was the first to pass a specific law banning the practice while France never did so. Yet, in the case of female genital mutilation “French authorities developed a clearly defined protective sanctions system through the involvement of the courts in the event of failure of preventive measures” (Guiné & Moreno Fuentes 2007, 507). In this field, the “effective implementation of policies became a middle ground in which bridges had to be built to reach the target populations for specific programs or policies” (Guiné & Moreno Fuentes 2007, 507).

Compared to the issue of female genital mutilation, forced marriage has only recently gained public attention in France. Therefore, the monitoring and evaluation of the policies implemented there is still in its early stages, which makes it impossible to determine whether an active prosecution of cases might be compensating for the lack of ad hoc laws as in the case of female genital mutilation. Despite the uncertainty surrounding the effective use of French courts to tackle forced unions, various authors (Petek 2004; Jama 2004; Neyrand et al. 2008) have pointed out the lack of effective prevention and support policies, and their chronic underfunding (Durand & Krefa 2008). In practice, similarly to the British case, public policies focus on the prevention of forced marriages via immigration regulation, rather than within the broader context of women’s rights and domestic violence. However, very typical of French public rhetoric is the insistence on fighting forced unions as a symbol of those cultural practices immigrants should abandon in order to become “French”. Analogously, French policies also distinguish themselves as being

characterized by the omnipresent ideological refusal of anything that could be labelled as “communitarian” – intended as the recognition of ethno-cultural differences - which is considered by some commentators as one of the structural causes of the failure of French policies in this field (Petek 2004, 38).

Because of the more recent nature of the French debate compared to the British one, the amount of consideration given by French and British scholars to the topic of forced marriage differs significantly. Therefore, despite sharing some key themes, the scholarly debates in France and the UK differ on a number of levels. Given these premises, after reviewing the key common themes, the following section will focus on the peculiar characteristics of the debate in each country, stressing the role attributed to educational prevention policies.

2.4 THE FORCED MARRIAGE DEBATE: COMMON THEMES

Even though French and British public authorities condemn forced unions, both have encountered serious challenges in establishing a working definition of the practice. Such challenges have contributed to the emergence of common themes in French and British public policies tackling the issue, and in the related scholarly literature. The most recent scholarly contributions are characterized by the effort to go beyond the basic issues of definition and measurement of the phenomenon in order to unveil the ideologies underlying the terms of the debate in each country, and to identify the policy frames through which forced marriage is interpreted (Wilson A. 2007; Phillips & Dustin 2004; Hamel 2005; Durand & Krefa 2008). They represent an attempt to deconstruct the rationale behind official statements and uncover the limitations implicit in every approach, and will be further explored in the chapters devoted to the analysis of the two national case studies.

A Controversial Definition

Concepts such as autonomy, free consent, and freedom of choice - presented as regulative ideas for “determining the validity and permissibility of controversial cultural traditions” (Deveaux 2006, 155) – are often invoked in the debate opposing forced to arranged unions “in order to indicate which practices and arrangements the liberal state (...) ought not to support or protect” (Deveaux 2006, 156). In France and Great Britain, the focus on the issue of free consent (or lack thereof) has implied an opposition - to different extents - between arranged and forced forms of marriage, characterizing the former as legitimate and the latter as objectionable. While the French legislation is yet to adopt an official definition of the practice, the British authorities did so already in 2000 - defining a forced marriage, as opposed to an arranged marriage, as one that is performed without the full and informed consent or free will of both parties, and in which duress is a factor (Home Office 2000, 4).

The British and French interpretations of forced and arranged marriage will be further discussed in chapters four and six respectively. In general, while the arranged/forced differentiation is relevant to protect the cultural tradition of arranged marriage and enforce legislation aimed at preventing and/or prosecuting forced marriage, a closer examination of individual cases indicates that a “sharp dichotomy between arranged and forced marriage may be misleading” (An-Na‘im 2000, 2-3), “steering public debate and policy about marriage in problematic directions” (Deveaux 2006, 155). Several authors have remarked that insisting that arranged and forced marriage share nothing in common renders impossible a more nuanced analysis of the varied forms of coercion that may take place in the continuum that goes from arranged to forced marriage (An-Na‘im 2000; Phillips & Dustin 2004, 10-11; Deveaux 2006, 167).

Although the more dramatic cases of forced marriage involve abduction and physical violence, many cases are much subtler and harder to distinguish from arranged marriage. The current dichotomous definition, therefore, may hamper “efforts to help girls and women in circumstances not as acute as those meriting the description of forced marriage”

(Deveaux 2006, 189). Additionally, as Amrit Wilson points out in her analysis of forced marriage and the British state, “the fear of separation and rupture from the parental family can prevent women from acting until they are desperate” (Wilson A. 2007, 34). In other words, the arranged/forced distinction would lead “to underplay the complexities surrounding consent” – as argued by Anne Phillips and Moira Dustin (Phillips & Dustin 2004, 19). Therefore, imagining forced marriages as unions lying on “a continuum of arranged marriages, defined by degrees of coercion and consent” (An-Na'im 2000, 1), might contribute to an understanding of the phenomenon closer to reality.

The danger in conceptualizations avoiding rigid dichotomies to better consider the practice in the larger context of violence against women, however, is that they may stigmatize the term “arranged marriage”, which is legal and plays a critical role in the preservation of culture and tradition (An-Na'im 2000, 3). Therefore, only an examination of individual cases can help distinguish between legal and illegal practices, by determining who is defining the relationship and for what purposes (An-Na-im 2000, 3).

Forced Marriage and Migration Experience

Even though practiced in the immigrants' countries of origin, forced marriage acquires new meanings when practiced in their host societies. While in the former case the practice aims at the construction of alliances amongst families to reinforce patrimonial security, in the latter case it is usually related to parental efforts to maintain control over their children in host societies, as a way to reaffirm the culture of origin over the identity conflicts arising from the process of immigration itself (Rude-Antoine 2005, 8). Research shows that there is a link between migration experience and violence, and that forced marriage is largely a response to the community's sense of self-identity and life-style being “threatened” by the social or cultural influence of the wider society (Akpinar 2003, 428 quoted in Meeto & Mirza 2007, 191; Neyrand et al. 2008). According to this perspective, when communities feel discriminated against by host

societies and threatened by their values, it is more likely that those who hold conservative values will turn inwards, exerting pressure on females by holding on to patriarchal values (Akpinar 2003, 428 quoted in Meetoo & Mirza 2007, 191; Rude-Antoine 2005).

For these reasons, when developing culturally relevant approaches to understand and address the phenomenon, commentators stress the need to consider the practice as “part of the dynamic process of cultural transformation and adaptation in a new or changing environment”, if the practice is to be diminished in a sustainable manner (An-Na'im 2000, 3; Rude-Antoine 2005). In order to do so, it is important to understand and address the practice in the wider national context, rather than as a matter that is exclusively internal to the community in question – argues Edwige Rude-Antoine in the first study on forced marriage in EU member states commissioned by the Council of Europe (Rude-Antoine 2005).

Such an approach does not automatically imply the elimination of any reference to the cultural dimension of the phenomenon, given that forced marriage – even though strictly related to dynamics of gender power relations and domestic violence widespread across different societies – undoubtedly presents features typical of specific minority communities. Therefore, it is necessary to pay attention to its “cultural, material, political and historical contexts”, even as one “bears in mind comparable violence in European communities” (Razack 2004a, 162). As Dustin and Phillips point out, while one should not forget that domestic violence is a cross-cultural phenomenon, recognizing its “specificity [if it exists] may save lives” (Dustin & Phillips 2008, 413). For instance, “a failure to train police officers in the specificities of “honour” crime” (Dustin & Phillips 2008, 414) might lead public authorities to underestimate precursors of domestic violence. In this perspective, an effective understanding of minority communities in all their complexities is a necessary step in order to make them less violent (Razack 2004a, 162).

The Problem with Statistics

To date, neither France nor the UK have undertaken any comprehensive quantitative studies able to provide reliable data on the effective scale of the phenomenon. In both countries, only small-scale and/or anecdotal studies are available. In France, according to the *Haut Conseil à l'Intégration*, more than 70,000 young women would be victims of forced marriage (HCI 2003). The reliability and the meaning of this estimate have been repeatedly questioned (Dittgen 2008; Gresh 2007). In the UK, in 2010 the Forced Marriage Unit (FMU) – the leading UK agency responsible for dealing with the issue – provided advice or support in 1,735 instances related to a possible forced marriage. However, due to many victims' fear to report the abuse suffered, the total number of cases for both men and women is suspected to be significantly larger: about 5,000 cases per year as of 2008, according to conservative estimates suggested in a study commissioned by the Department for Children, Schools and Families (Kazimirski et al. 2009).

Table 2.4 Forced Marriage: Most Recent Statistics

	NUMBER OF CASES	
	Official Data	Estimate
FRANCE	Not Available	70,000 (HCI 2003)
GREAT BRITAIN	1,735 in 2010 (Forced Marriage Unit 2010)	At least 5,000 per year (Kazimirski et al. 2008)

Along with the lack of reliable large-scale quantitative studies, the absence of a common definition and the adoption of different data-gathering methodologies imply that available estimates in France and the UK – apart from differing considerably – are not comparable. In addition, the lack of data concerning the cultural and socio-demographic characteristic of the affected population has obviously undermined the search for effective solutions, especially in France (Neyrand et al. 2008; Rude-Antoine 2005).

Age Range

Over the past decade, both France and the UK have changed their legislation regulating the minimum age required to marry. Establishing age limits to marry is based on the assumption that the younger the person, the more likely she will be coerced into a union against her choice. In other words, it is assumed that people are better able to act as effectively independent agents the older they get, so that laws should protect young people until a certain age from choices that – while presented as their own – could be in practice imposed upon them. In the case of forced marriage, this strategy seems to be not completely unreasonable to several commentators, on the basis that older girls can take more responsible decisions than younger ones, and are potentially less likely to be affected by external coercion (Phillips & Dustin 2004, 26; Neyrand et al. 2008; Gangoli & Chantler 2009). However, interpretations vary concerning what age can be considered to be a reasonable limit, and beyond what threshold the defence of young women comes at the price of limiting their effective agency as independent actors.

In 2006 the legal age of marriage for French women was raised from 15 to 18 years old, the same age requirement applied to men. This modification of the civil code was made possible based on a recommendation of the *Haut Conseil à l'Intégration*. This measure, though considered to be contributing to some extent to the fight against forced marriages, obviously leaves unaddressed all dynamics affecting girls older than 18 (Neyrand et al. 2008, 22).

In Great Britain, following a similar initiative launched by the Danish government, until recently British citizens under the age of 21 were not allowed to act as sponsors for the entry of overseas spouses. Even though still able to marry at the age of 16, since 2008 they had to wait five years before sponsoring their spouse's entry visa. The rationale behind this decision – recently ruled as unlawful by the British Supreme Court (Supreme Court 2011), and subsequently reverted by the British Immigration minister in November 2011 – is to protect young spouses, who are for obvious reasons at the most risk of coercion (Dustin &

Phillips 2008). However, this measure disproportionately affects young ethnic minority women – who are more likely to marry overseas partners – as if they were less able than their non-minority peers to take independent decisions (Dustin & Phillips 2008, 411; Gangoli & Chantler 2009). As Dustin and Phillips note, the imposition of a higher minimum age for marriages with overseas partners carries the implicit suspicion of “young people from minority cultural groups as unusually subject to cultural/religious coercion” (Dustin & Phillips 2008, 411).

Criminalization

As pointed out by Clark and Richards in their comparison of French and British approaches to the fight against forced marriages (Clark & Richards 2008), criminal and civil practice and procedure represent two very different strategies to deal with the connection between honour and forced marriage, each carrying important implications for the prevention and eradication of the practice. Civil law remedies are better able – at least in theory – to protect and empower victims of forced marriage, allowing them to initiate and cease proceedings, which is not the case with criminal sanctions. Such remedies also give judges handling these cases wide powers to decide upon the appropriate solutions (Clark & Richards 2008).

In both France and Great Britain, public authorities have adopted civil, rather than criminal, measures for the prosecution of forced marriages. While in the UK an ad hoc civil law was approved in 2007 (Forced Marriage (Civil Protection) Act), in France the lack of a specific law is compensated by the possibility of bringing prosecutions for various offences (Clark & Richards 2008, 504). Additional protective measures have been introduced in 2010 within the context of a new law (n. 2010-769, 9 July 2010) targeting violence against women. In this respect, despite the marked differences in the way in which the two legal systems function, both have recognized that it is possible by civil remedies to protect victims – contrary to countries such as Belgium, Norway and

Germany that have opted for criminalizing the practice (Clark & Richards 2008, 504).

The call for the criminalization of forced unions has occasionally surfaced in the public debate, especially in the UK – first in early 2006, and more recently in October 2011, as it will be discussed in chapter four. The potentially negative consequences inherent to criminalization strategies have been stressed by several authors. In particular, the repercussions of criminalization on the sense of community honour have been emphasized (Clark & Richards 2008; An-Na'im 2000). As argued by Clark and Richards (2008), while the criminalization of the practice directly challenges the centrality of the concept of honour within the community, civil measures represent an “attempt to transform the communal understanding of honour to include the personal autonomy of potential victims of the practice and their economic and social contribution to the life of the community” (Clark & Richards 2008, 527).

In an earlier study, An-Na'im (2000) had already discussed the limitations of criminal law-based approaches aiming at challenging the concept of honour within a community. From a pragmatic perspective – the scholar of Sudanese origin writes - challenging the concept of honour will most likely “raise the stakes for the community and enable the supporters of forced marriage to discredit its opponents as agents of alien culture determined to repudiate the existence of the community itself” (An-Na'im 2000, 4). Given the importance of the concept of honour to control and regulate sexual behaviour of its members, which in turn is deemed necessary for the community's social cohesion and stability, it is likely that community members will assume a “more defensive, even militant, posture in defence of forced marriage” (An-Na'im 2000, 4). In other words, instead of fostering a positive climate in which minority youth can find the tools to internally contest patriarchal narratives, criminalization can in practice polarize the debate, by stigmatizing and exacerbating tensions within communities more than it can actually give rise to the conditions under which young people – especially women - might have an effectively increased freedom of choice to marry.

Yet the capability of civil practice by itself to shape the ideology of a community without the risk of antagonizing or polarizing the community itself remains at best theoretical, and depending for its full realization on the effective strategies implemented. In his contribution, An-Na'im (2000) suggests considering a strategy "that emphasizes freedom of choice in marriage as enhancing, rather than diminishing, the community's honour and stability" (An-Na'im 2000, 4). Evidence gathered by several studies seems to confirm the advantages of defending women's rights without necessarily positioning this approach as "transgressive" of traditional mores and opposed to communities' stability. Such studies show that many women – while eager to maintain the strong cultural heritage of their community - are also "creating strategies by which increased individual freedom is enjoyed at the same time" (Bhopal 1999; Bradby 1999, quoted in An-Na'im 2000, 4; Dwyer 1999a, 1999b, 2000; Brown 2006).

Policy Solutions to Forced Marriage: Regulation, Dialogue and Exit

As suggested by Phillips and Dustin (2004) in their study on policy strategies against forced marriages in the UK, "in the theoretical literature and practices of contemporary states, three broad solutions have emerged: (...) regulation, dialogue and exit" (Phillips & Dustin 2004, 2). "Most countries that have adopted policies on the issue [of forced marriage]" – the authors argue – "employ some combinations of these three" approaches (Phillips & Dustin 2004, 6).

Based on regulation are those policies which ignore the ethical questions raised by cultural differences. Advocates of this approach tend to assume certain values as undisputable, sometimes ending in criminalizing the practice in question with the unwelcome effect of driving it underground (Phillips & Dustin 2004, 4).

The second approach – based on dialogue, and emblematically supported in the UK by Bhikhu Parekh (2000) – "favours a dialogic encounter between majority and minority communities in order to arrive at generally

accepted norms of conduct” (Phillips & Dustin 2004, 3). Clearly, practices deemed illegal would still require public intervention, “but any such initiative should be preceded by open-ended discussion that allows for revision on all sides” (Phillips & Dustin 2004, 3).

Finally, the third approach – exit – is “the least interventionist”, refraining from engaging public authorities in direct action affecting ethnic minority communities’ practices (Phillips & Dustin 2004, 4). Such an approach “stresses the right of individuals to exit from their group if they are dissatisfied with their treatment” (Phillips & Dustin 2004, 4).

Following this logic, Phillips & Dustin (2004) define Great Britain as characterized by a strong emphasis on exit in order to enable “individuals to extricate themselves from the threat or reality of forced marriage” (Phillips & Dustin 2004, 6). Exit policies focus on directing people to alternative accommodations – such as refuges – while providing an “escort to enable them to collect personal property from the family home before making their escape” (Phillips & Dustin 2004, 11). As noticed by the two authors, exit hardly provides an adequate solution, oversimplifying the phenomenon of forced marriage (as distinct from arranged marriage), and overlooking the pressures to conform to the practice exerted on individuals by family and community members (Phillips & Dustin 2004, 6).

Extending Phillips’ and Dustin’s (2004) categorization to the case of France, it is possible to define the republican approach as characterized by a tendency to adopt regulation strategies, given the use of legislation to root out forced marriage “by investing registrars, *procureurs* and diplomatic officials with greater control” over marital unions (Clark & Richards 2008) - without addressing any of the specific issues arising from the cultural differences of the ethnic minorities more at risk of the practice.

This study intends to ascertain whether the propensity toward the adoption of regulatory and exit solutions – which republican France and multicultural Britain respectively have presented at the national level –

has translated into the adoption of policy instruments consistent with such perspectives at different levels of government. The analysis of policy instruments will help determine whether one of the key claims of historical institutionalism holds. According to such claim, dissimilar institutions lead to different policy outcomes (measured in this study by the adoption of different policy instruments) across different countries (Thelen & Steinmo 1992).

Simultaneously, the research will also consider the ways in which the debates on the criminalization of the practice and immigration control have reshaped the mix of solutions favoured in each country. As pointed out by Phillips and Dustin, in the mid-2000s the British focus on exit solutions was accompanied by an increasing propensity to adopt regulation (through stricter immigration controls) to compensate the shortcomings of the system based on exit (Phillips & Dustin 2004, 6). Similarly, French observers have stressed the increasing relevance of immigration controls in the French state efforts against forced unions (Durand & Krefa 2008; Rude-Antoine 2011). These perceived common trends – if confirmed – are extremely significant. When common trends appear in most different cases such as these ones, they may have a more general validity across European states.

The following section offers a brief overview of the most relevant country-specific themes characterizing the British and French scholarly literatures on forced marriage and its prevention.

2.5 THE FORCED MARRIAGE DEBATE: COUNTRY-SPECIFIC THEMES

The British Case: a Brief Overview

The topic of exit and what makes this approach a real option have been extensively investigated in the literature with regard to the British case (An-Na'im 2000; Phillips & Dustin 2004, 19-23; Wilson A. 2007). Similarly, scholars have largely addressed the meaning and practical implications of terms such as “choice” and “consent” – so popular in the

debate over forced marriage (An-Na'im 2000; Shachar 2001, 40-41; Phillips & Dustin 2004, 19-20; Deveau 2006).

The tendency of British public authorities to focus their actions on “overseas” forced unions, rather than domestic ones, has also been examined. Consistent with the *leit-motif* of many critiques moved against the practices of multiculturalism in the UK (Okin 1999), British authorities have been repeatedly accused of not intervening in domestic cases of forced marriage for the fear of acting against their own minority communities - a strategy to avoid reprisal and losing community leaders' support which ends up leaving women unprotected. In other words, the excessive respect (at least formally) of state agencies for minority cultures would be one of the key causes of policy failure in this field (Wilson A. 2007).

Despite the 2007 Forced Marriage (Civil Protection) Act, which potentially symbolizes an increased interest in the domestic dimension of the phenomenon, until recently the use of other measures – such as the rise of the age limit to sponsor overseas spouses – seemed to confirm Phillips' and Dustin's (2004) fears that regulation through immigration control might become “the more favoured approach” to compensate the shortcomings of a system based on exit (Phillips & Dustin 2004, 6).

According to these authors, the preferential focus attributed by the Home Office to transcontinental cases of forced marriage (Phillips & Dustin 2004, 19) means that “initiatives to tackle the undoubted harm of forced marriage get caught up in a potentially racist immigration debate”, rather than being perceived as aiming to empower women (Phillips & Dustin 2004, 24). By focusing exclusively on the “overseas” dimension of forced marriage – the authors argue - the British government has implicitly coded “the initiatives on forced marriage as initiatives on immigration” (Dustin & Phillips 2008, 410). The recent overturn of the law on higher age limits for transnational spouses might force the government to change its approach to the issue. Even though it is too early to adequately assess the effects of the Supreme Court's decision, a strategy based on “dialogue” seems unlikely to be adopted, given its focus on working more closely with communities, community leaders and families to address the

underlying power relations and promote intergenerational social change. Such an approach seems irreconcilable with the “increasingly ‘vocal’ repudiation of multiculturalism” prevailing in the political public discourse – a trend noted by Phillips and Dustin already in the early 2000s (Phillips & Dustin 2004, 28-9), and most recently made explicit with Prime Minister David Cameron’s 2011 Munich speech.⁴ In addition, to be effective such a strategy would require solid trust between public authorities and communities – trust that is currently missing given the current perception within Britain’s South Asian communities that the real purpose of forced marriage initiatives is to impose stricter controls on non-EU immigration to the UK (Samad & Eade 2002, 112; Wilson A. 2007; Phillips & Dustin 2004; Phillips 2007).

These concerns are confirmed and further developed by Amrit Wilson (2007) in one of the most comprehensive works on forced marriage and the response of the British state (Wilson A. 2007). According to Wilson, despite showing a facade of commitment to fight the practice since 2000, the British state is not motivated by a genuine concern for women’s rights in its eradication efforts (Wilson A. 2007, 26). Rather, it seems to be driven by other concerns – namely, “the pervasive preoccupation with terrorism; the use of women’s oppression to legitimize immigration control, policing and surveillance (...); and the politics of fear with its ‘hotspots’ of ‘extremism’” (Wilson A. 2007, 26). Wilson’s position, as well as Phillips’ and Dustin’s, will be further analysed over the course of the following chapters.

While it is arguable that the former Labour government used the fight against forced marriage to pursue a parallel immigration agenda, it is undeniable that immigration control has been used to date to address the issue of forced marriage – as first noted by Phillips and Dustin in 2004 (Phillips & Dustin 2004, 25). As British scholars have repeatedly pointed out (Phillips & Dustin 2004; Wilson A. 2007; Gangoli & Chantler 2009), the exclusive focus on marriages involving overseas spouses has two

⁴ Speech held at the Munich Security Conference on 5th February 2011: <<http://www.newstatesman.com/blogs/the-staggers/2011/02/terrorism-islam-ideology>>

main implicit consequences. On the one hand, it erroneously assumes that marriages arranged within the UK are *a priori* complying with the current legislation. On the other hand, it encourages the perception that all marriages involving an overseas spouse are potentially suspect, and the subsequent use of immigration regulation as the main instrument to tackle the problem. In turn, this may reinforce the belief - to the eyes of South Asian communities in the UK - that the real purpose of the initiative is the limitation of immigrants' access to Great Britain, as shown by Samad and Eade (2002, 105). In their study on perceptions of forced marriage in Pakistani and Bangladeshi communities – with a focus on Bradford and Tower Hamlets respectively – the authors combine a comprehensive and rigorous synthesis of existing research evidence with primary data collected specifically for the report.

Educational Policies and the Prevention of Forced Marriages in Great Britain

British scholars and policy makers alike have stressed the importance of promoting preventive measures to better tackle the phenomenon of forced marriage. On the one hand, the Government has issued guidance to professionals dealing with forced marriages (FCO et al. 2004; 2005; 2008; 2009) – namely, in the field of education, but also health, police, and social work (Khanum 2008, 19). On the other hand, the central role played by education in the prevention of forced unions is acknowledged in existing studies analyzing forced marriage at the local level (Samad & Eade 2002, 46-7; Brown 2006; Khanum 2008). As pointed out in the course of a qualitative study in Luton – one of three national pilots funded by the Home Office – “the most effective way of preventing forced marriage is to change attitudes so the issue does not arise in the first place” (Khanum 2008, 25), especially by promoting the education of women who represent 85% of the victims (Khanum 2008, 33), but also involving men and the community in general by raising awareness about the practice (Khanum 2008).

Yet it is unclear what kind of education is being recommended, how this is spelled out in practice (especially, what role will be played by the various stakeholders), and whether the kind of education suggested will actually respond to the education and support needs of the girls at risk of forced marriage. These issues have been taken into consideration when developing the questions guiding the in-depth semi-structured interviews conducted for this study.

In addition, ethnic minority women are not a homogenous group, and therefore their educational needs might be different, as could be the best educational strategies to achieve effective prevention. A growing body of literature, for instance, shows that practices considered fostering “tradition”, rather than women’s empowerment, such as girls’ religious education in minority communities, might encourage the development of girls’ autonomy and hence contribute to fight the structural causes underlying the phenomenon of forced marriage - as suggested by Katherine Brown in her study on the role of Islamic identity among British Muslim women (2006). In her analysis, Brown (2006) shows how religion can be an instrument to both subvert and confirm the patriarchal order surrounding young women in minority cultures. Similarly, Dwyer (1999a, 2000) had previously shown in her research on British South Asian Muslim women how these were able to use religious terminology and symbols to resist parental pressures and to demand – amongst other requests – increased choices in marriage opportunities (Brown 2006, 421). In her analysis, Islam offers “not only a personal religious identification but also a means by which they could construct an alternative gender identity” by citing “Islamic authority” to support freedom of choice with regard to marriage (Dwyer 2000, 482). However, these contributions are limited to the analysis of Muslim girls’ religious education, and consider its effects on forced unions within the broader context of its impact on girls’ identity. Studies considering the impact of religious education on the prevention of forced marriage in non-Muslim communities seem to be lacking, as well as works directly analyzing the role played by educational initiatives in the prevention of forced marriage.

For these reasons, this study has investigated the presence (or lack thereof) of local initiatives intended to prevent forced marriage via the use of traditional practices in the selected case studies - in an attempt to better understand how practices at times considered “illiberal” might contribute to foster the liberal tradition of human rights.

The French Case: a Brief Overview

As the French state’s approach to forced marriage is recent and still evolving, the balance between the solutions adopted might change over the next few years. Despite the publication of the first official forced marriage estimates in the *Haut Conseil à l’Intégration* annual report in 2003, the issue has gained political and scholarly attention only recently. The first preliminary study on the anthropological and juridical aspects of forced marriage was commissioned to Edwige Rude-Antoine by the Council of Europe and published in 2005 (Rude-Antoine 2005). Only in 2008 was the first book about forced marriages (*Les mariages forcés: Conflits culturels et réponses sociales*, Neyrand et al. 2008) published. It concerns a sociological enquiry substantiated by field research conducted in the cities of Paris, Lyon and Marseille. Within the context of violence against women, the authors offer an analysis of the issue of consent as the main aspect in the definition of forced unions. They also substantiate their analysis with a number of interviews with young female victims of the practice, as well with a review of the major NGOs and institutions active in this field in France – mapping for the first time the relevant organizations involved in the fight against forced unions.

Other relevant contributions have been provided – amongst others - by Christine Jama (2004), Beate Collet and Emmanuelle Santelli (2008), Christelle Hamel (2008), Sandrine Durand in collaboration with Abir Krefa (2008), and Edwige Rude-Antoine (2010; 2011). Recurrent topics are the definition of consent (given the lack of an official definition of forced marriage), and the controversial quantification of the phenomenon. All authors stress to some extent the importance of avoiding “culturalist” explanations of the phenomenon. With regard to this, Sandrine Durand

and Abir Krefa (2008) are probably the most vocal critics of the tendency – especially amongst some French feminist associations – to consider violence within ethnic minority families as “special”, due to traditional cultures which are overly patriarchal. In their contribution, Durand and Krefa (2008) suggest that the tendency to culturally stereotype violence against women – or, as they put it, to attribute racial characteristics to sexism – often has the unwanted consequence of stigmatizing ethnic minority women experiencing violence, with the result of imposing onto them a sort of double discrimination (Durand & Krefa 2008, 195).

The recent increase of scholarly attention has mirrored the parallel increase in the prominence of the issue on the media and political agendas – at least formally. At the national level, a number of key institutions have addressed the topic over the past few years, such as the *Commission nationale consultative des droits de l’homme* (in 1992 first and then in 2005), the *Haut Conseil à l’Intégration* (in 2003), as well as the *Delegation aux droits des femmes et à l’égalité des chances* (both in 2004 and 2005) (Neyrand et al. 2008). To some extent, formal declarations have been accompanied by important changes in the legislation – such as the introduction of the *délit* to force someone to marry (*contrainte au mariage*, law n. 2010-769, 9 July 2010). Other noteworthy legislative initiatives include the amendment to the code of civil procedure introduced in 1993 to fight bogus marriages (*marriages de complaisance*). At the same time, laws regarding immigration (26 November 2003 – the so-called law Sarkozy) and domestic violence (4 April 2006) are also considered to contribute to the management of the phenomenon (Neyrand et al. 2008, 20).

Despite these efforts, several commentators consider French laws’ contributions to be at best partial, tending to leave young women in the midst of a social and juridical impasse – torn between the desire of freedom and the difficult choice of leaving their families, while struggling to find adequate means and support to become effectively autonomous (Jama 2004, 23; Neyrand et al. 2008). By framing the fight against forced

marriage as an aut/aut choice between human rights and traditional cultures, public authorities ignore the fact that young women are often caught in the middle of the cultural conflict underlying the issue – between the desire of choosing their own spouse, and the pressure not to betray their own families (Jama 2004, 30). As pointed by several respondents over the course of my fieldwork, the inadequacy of available refuges might encourage many young women to go back to their abusive families, being thus exposed to an increased risk of domestic violence. Based on these observations, this study intends to explore whether current conceptualizations of forced marriage might lead to the use of policy instruments which – by failing to take into account the psychological and material pressures faced by young people at risk of a forced union - might lead to a perverse effect, reducing young people's freedom to marry. By focusing on two French cities, the study also examines whether patterns of convergence or divergence characterize the use of such policy instruments across sub-national levels of government – as different levels might prioritize the use of different instruments.

The tension faced by young women in France is aggravated by the lack of services effectively targeting their needs. Social services are said to be inadequate to the specific needs of the victims of forced unions, partly because of the ideological refusal to provide services explicitly targeting ethnic minority women and because of underfunding (Petek 2004, 38; Jama 2004, 30; Neyrand et al. 2008). An often-cited example is the lack of refuge houses specifically conceived for young female victims of domestic violence and “honour” crimes (Petek 2004; Jama 2004; Philippe 2008; Neyrand et al. 2008).

In addition, social services interventions are often undermined by an excess of cultural relativism – or “eurocentrism”- which would be blatant in the tendency amongst social workers to address cases of forced unions within the broader context of traditional or compromised marriage, rather than directly referring to forced marriage (Jama 2004, 29). As suggested by Neyrand et al. (2008), this pattern is also confirmed by the fact that direct interventions in minority communities' affairs tend to be

procrastinated - unless the use of violence is explicit - in order not to interfere with what are considered to be traditional practices of cultural minorities (Neyrand et al. 2008, 22).

The inadequacy of service provision, along with the lack of a clear juridical definition and the fear of stigmatizing minority groups by criminalizing the practice, have contributed to the tendency of public authorities to stress the importance of prevention strategies - in an effort to limit the involvement with blatant cases of forced marriage (Neyrand et al. 2008, 24). In the past, such strategies have been at the center of the policies pursued by two key institutional actors in the fight against forced marriage - the ministry of Social Affairs and the ministry of Parity and Professional Equality (Petek 2004). More recently, however, the ministries of Immigration and Interior Affairs have come to play a primary role in the efforts tackling forced marriage. As noted by Jama (2004, 26), such ministries approach cases of forced marriage on the basis of the effects they have on the regulation of immigration flows, rather than on the consequences for women's rights and the protection of the victims. This attitude is reflected by the habit of analyzing forced unions through the lenses of bogus marriages (*mariage de complaisance*, or *mariage blanc*) – a marriage of convenience between two people for practical or financial reasons, especially immigration purposes. The lack of a clear distinction between forced and bogus unions is confirmed by French jurisprudence, which – even in the few cases of arrests where forced marriage is mentioned as main incrimination – has insisted on a vocabulary defining the union as “instrumental” to other purposes (Neyrand et al. 2008, 26). In other words, the absence of consent amongst victims of forced marriages is rarely analysed from a juridical perspective, with the result that forced marriage tends to be confused with the phenomenon of bogus marriage (Jama 2004, 25). The ambiguity surrounding the definition of forced marriage, in turn, has contributed to a similar ambiguity in the selection of the policy instruments favoured by key stakeholders at different levels of government. Thus, this study will explore the ways in which different conceptualizations of the practice

have influenced the selection of a specific set of policy instruments in the areas examined, and for what reasons.

In order to prevent bogus marriages, stricter controls are imposed upon potential spouses by the immigration law in order to assess the real nature of their union (art. 74, 26 November 2003 law – also known as *law Sarkozy*). This approach fits in the category of “regulation” suggested by Phillips and Dustin (2004), and presents the related shortcomings. On the one hand, such a measure does not seem adequate to effectively fight forced marriages. While the debate over bogus marriages is mainly characterized by themes of immigration control, forced unions are at the centre of a debate in which issues such as women’s agency, freedom of choice and individual consent play a major role (Rude-Antoine 2005, 90). On the other hand, the focus on bogus marriage seems excessive – both discriminatory and impractical - given that it has to be applied to all immigrants who intend to get married (Rude-Antoine 2005, 94). Finally, the focus on bogus marriage tends to limit the development of resources readily available to victims of forced marriage – namely, immediate protection and the provision of a place in a refuge (Jama 2004, 28) – therefore worsening the already mentioned inadequacy of ad hoc public services.

Educational Policies and the Prevention of Forced Marriages in France

As argued by Neyrand et al. in the first comprehensive study on forced marriage in France, French public authorities have emphasized the importance of prevention strategies to limit their involvement with forced marriage cases (Neyrand et al. 2008, 24). Indeed, since 2002, the key role played by schools in the fight against forced marriages has been officially recognized by the French Ministry of Education, on the basis of the circular introducing the inter-ministerial convention on the promotion of equality of chances (*Convention interministérielle sur la promotion de l'égalité des chances entre les filles et les garçons, les femmes et les hommes dans le système éducatif*, 25.02.2000) (Lazaridis 2004, 40-2). This

circular proposes an ambitious global policy fostering gender equality from primary to higher education. Followed by a circular on sexual education (*L'éducation à la sexualité dans les écoles et lycées*, 17.02.2003), this initiative focuses, on one hand, on health and civic education (*comités d'éducation à la santé et à la citoyenneté – CESC*), as well as sexual education, as key tools in the prevention of forced marriages (Lazaridis 2004, 43). On the other hand, however, it explicitly stresses the role played by a wide range of social actors – such as school nurses, social workers and teachers of various disciplines.

Prevention activities are supposed to be carried out in coordination with departmental delegations on women's rights (*délégations départementales aux droits des femmes*) and departmental commissions on violence against women (*commissions départementales d'actions contre les violences faites aux femmes*) (Lazaridis 2004, 45). Finally, since 2003 forced marriages have been integrated in the measures launched by the inter-ministerial committee on integration (*comité interministériel à l'intégration*, 10.04.2003), which included the launch of a prevention plan amongst its goals (Lazaridis 2004, 46).

To this day, it is not clear to what extent these initiatives have actually been translated into practice, and with what results. It is anticipated that educational initiatives have been characterized by a focus on secular educational initiatives centred on the Republican conception of citizenship and the equality of men and women. Yet, given the relative novelty of the debate in France, it is unclear how this has been spelled out in practice, in what ways it has addressed discriminatory gender relations across different ethnic minority communities and whether it has contributed to the reinforcement of cultural stereotypes, and what role non-institutional actors have played.

Chapter Three:

THEORETICAL FRAMEWORK AND METHODOLOGY.

The previous chapter has reviewed the scholarly literature about the evolution of the French and British models of immigrant incorporation, and discussed how these models address the rights of ethnic minority women in general and the case of forced marriage in particular. The study uses such debates as essential theoretical tools to analyze the ways in which multicultural and assimilationist policies address discriminatory gender relations in their efforts to accommodate the tension between the defence of individual and group rights, specifically in the case of forced marriage and its prevention through educational policies in France and the UK. By doing so, the research aims at ascertaining the reasons why two countries characterized by allegedly opposite ideologies of immigrant incorporation adopt similar policy instruments (namely, regulatory solutions – in the form of stricter immigration controls - and exit solutions).

The research will employ historical institutionalism to answer the following question:

Is there a common structural cause which explains why two countries employing opposite models of immigrant incorporation have similar outcomes in their efforts to prevent forced unions, which may undermine – rather than enhance – the governments' official aim to increase freedom of marital choices for people of ethnic minority background?

To address this question, the study examines whether conceptualizations of forced marriage, and its prevention in French republican and British multicultural policies directed at the protection and promotion of human

rights, may encourage the selection of policy instruments which contribute in practice to a perverse effect - leading to outcomes contrary to those intended. If this is the case, the study will explore the ways these policies are producing such outcomes. After a brief review of historical institutionalism and its underlying assumptions, its application to the selected case studies will be discussed. The limits intrinsic to this approach for the purpose of this research will be highlighted. They will be examined in greater depth in the final chapter of the study.

3.1 HISTORICAL INSTITUTIONALISM: AN OVERVIEW

By historical institutionalism I will refer here to a variety of the so-called “neo”-institutionalism (March & Olsen 1983; Selznick 2007; Apter 2007), distinguished both by rational choice institutionalism and sociological institutionalism (Thelen 1999; Hall and Taylor 1998; Immergut 2007). Despite its diversity, as pointed out by Kathleen Thelen and Sven Steinmo (1992), historical institutionalists “share a theoretical project aimed at the middle range that confronts issues of both historical contingency and “path dependency” that other theoretical perspectives obscure” (Thelen & Steinmo 1992, 2).

As explained by Peter Hall and Rosemary Taylor (1996), historical institutionalists tend to conceptualize institutions – and the relationship between these and individual behaviour - in broad terms, identifying them “with organizations and the rules or conventions promulgated by formal organization” (Hall & Rosemary 1996, 7). Defined as “the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy”, institutions “can range from the rules of a constitutional order or the standard operating procedures of a bureaucracy to the conventions governing trade union behaviour or bank-firm relations” (Hall & Taylor 1996, 6-7). As the literature on historical institutionalism is vast, this overview does not intend to be exhaustive.

According to Thelen and Steinmo (1992), the question of preference formation constitutes the core difference between rational choice institutionalism and historical institutionalism – the former treating preferences as exogenous, while the latter considers them endogenous, questioning the ways in which individuals and groups define their self-interest. Rather than just shaping actors' strategies - as argued by rational choice theorists – in this view the institutional context shapes actors' goals as well (Thelen & Steinmo 1992, 9).

In their critical analysis of historical institutionalism, Peter Hall and Rosemary Taylor (1998) point out some additional core features distinguishing historical institutionalism from other forms of neo-institutionalism. Compared to other schools of thought - Hall and Taylor (1998) note - historical institutionalists have focused more extensively on the “process of politics and, in particular, the processes of deliberation and problem definition”, devoting “more attention to explaining macro-political outcomes than to developing micro-logic that links institutional structures to action” (Hall and Taylor 1998, 958-62).

Although historical institutionalists share with the other institutionalist schools an interest for the “regularities of politics over time”, they distinguish themselves by considering institutions as the product, the legacy of concrete temporal processes – rather than merely coordinating functions (Thelen 1999, 384). From a methodological perspective, this is reflected in the central role attributed to the analysis of historical processes (Immergut 2007), and in the emphasis on “how institutions emerge from and are embedded in concrete temporal processes” (Thelen 1999, 369) - usually at the expense of other aspects (Thelen 1999, 384). Hence the centrality granted to the technique of process tracing in historical institutionalist contributions, and to issues of path dependency, sequencing of events, and critical junctures (Krasner 1988; Pierson 1997; Capoccia & Kelemen 2007) - even though the centrality of such concepts is not fully matched by sound methodological foundations (Capoccia & Kelemen 2007, 3).

According to Hall and Taylor (1998), another feature characterizing historical institutionalism is the attention devoted to the role of ideas in politics, which has led to an “increasingly sophisticated understanding of structures and agents” (Hall & Taylor 1998, 961). Within this school of thought, ideas – the authors argue – are seen as more than “cognitive filters” (Hall & Taylor 1998, 962). Rather, they can be considered as “building block of actions”, providing “a set of structured elements *from* which the actors work and also the elements *with* which they work” (Hall & Taylor 1998, 962 - italics in the original text). Most importantly, exposure to new ideas is considered to be able to “alter the basic, as well as the strategic, preferences of actors” (Hall & Taylor 1998, 961).

Overall, historical institutionalists agree on considering national institutions to be the result of processes of evolution, and therefore highly stable, resistant to change. Inherited and rooted in a country’s history, institutions do not simply mirror social forces and channel policy. Rather, institutions are to some extent an exogenous factor, influencing actors’ behavior and policy outcomes (March & Olsen 1983; Hall 1986; Thelen 1999, 375). As shown by Mark Thatcher (1999) in his empirical analysis of the telecommunications sector in France and Great Britain, “national institutions affect the interests, preferences, ideas and values of actors, their strategies, the distribution of power among them, the resources or instruments of public bodies, and the interactions between actors in policy formation” (Thatcher 1999, 12). The role of institutions – Thatcher continues - is not limited to the mere transmission of such factors into the policy process: “they “translate” and strongly mediate them”, providing “the framework through which other factors (...) must pass in order to influence public policy” (Thatcher 1999, 10).

Based on these assumptions, institutionalist scholars have tried to explain national continuities and cross-national differences by turning to national institutions. Several studies have shown how dissimilar institutions lead to different policy outcomes across nations and, conversely, how institutional stability produces continuity of policy-making in individual

countries (Immergut 1992b; Steinmo & Tolbert 1998; Thatcher 1999). Such considerations do not imply some form of institutional determinism. Rather, institutions structure decisions by setting the framework within which individuals and groups act, providing opportunities, incentives and constraints (Immergut 1992) to actors' behaviour (March & Olsen 2002). In other words, "institutions constrain and refract policies but they are never the sole cause of outcomes" (Thelen & Steinmo 1992, 3).

3.2 HISTORICAL INSTITUTIONALISM AND THE PREVENTION OF FORCED MARRIAGE IN FRANCE AND GREAT BRITAIN

Historical institutionalism constitutes an appropriate conceptual framework for this research. First, the historical institutionalist approach is consistent with my focus on the analysis of selected political institutions and key policies in the sector of the prevention of forced unions in France and the UK over a sustained period of time. The role of such institutions in shaping the goals of the key stakeholders involved in the prevention of forced marriage will be considered, both at the local and the national level. Despite their recent origin, the institutional frameworks set up by the two countries to tackle forced unions have been influenced by well-established institutional traditions of immigrant incorporation.

Second, from a methodological perspective, available empirical evidence will be used in order to develop and inductively substantiate the study's hypothesis of convergence of policy outcomes. This approach is consistent with the tendency amongst historical institutionalists to develop their hypotheses "in the course of interpreting the empirical material itself" (Thelen & Steinmo 1992, 12). Where necessary, process tracing will be used in order to establish the political process of deliberation that led to specific macro-political outcomes relevant for this study – such as the passage of relevant legislation and guidelines, or the formation of working groups and experts committees, both at the national and at the local level.

Third, the research will examine the ways in which relevant institutions filter existing ideas, and how they constrain or promote the introduction of new ones. Particular attention will be given to issues concerning problem definition in policies aiming at the prevention of forced marriage (such as the definition of the practice of forced marriage, or the approach to the construction of gender relations). To this purpose, selected policy frames (defined by Erik Bleich as a “set of cognitive and moral maps that orient an actor within a policy sphere” – Bleich 2003, 26) will be examined to analyze how the concerned actors “organize information, define goals, and constrain action” (Bleich 2003, 29) in the field of forced marriage prevention. Frames are neither as broad as political culture, nor as comprehensive as ideology. Yet they are more than a single casual belief or policy position. Policy frames can be intended as problem definitions that, once agreed upon by the concerned actors, are assumed to influence the identification of potential policy tools (Zincone et al. 2005, 17). Even though they are obviously not alone in determining policy outcomes, their influence on the trajectory of prevention policy development should be considered – especially given that they might be distributed unevenly within the same country and across different institutional levels (Bleich 2003, 30).

Finally, and most importantly, the appropriateness of historical institutionalism as the study’s analytical framework seems to be confirmed by French and British institutional structures and related policy outcomes. At a first glance the analysis of such policies and institutions seems to validate the historical institutionalis claim that dissimilar institutional frameworks may lead to different policy outcomes between countries in response to similar challenges (Immergut 1992b; Steinmo & Tolbert 1998; Thelen & Steinmo 1992; Hall 1986). Undoubtedly, French and British strategies aimed at preventing the practice of forced marriage differ significantly. While the Home Office introduced an official definition of the practice in 2000, French officials tend to use interchangeably terms such as “forced”, “arranged”, and “sham” marriage to describe unions lacking the consent of one or both parties. Similarly,

the scarce attention by French authorities to the issue is contrasted in the UK by the creation of the Forced Marriage Unit, and the adoption of the Forced Marriage (Civil Protection) Act in 2007. Thus, consistent with the historical institutionalist approach, national differences seem to have led these two countries to adopt different institutional approaches, strategies and policies in response to a similar challenge – the prevention of forced unions.

Similarity, rather than Contrast

Despite proving to be a valuable framework to examine the differences in the French and British approaches to forced marriage, historical institutionalism is unable to account for the relevant similarities detected in France and the UK. These are evident in the ways in which gender relations are addressed by both countries' public authorities in the efforts to prevent the practice, their attitude towards prevention, and their selection of policy instruments considered most appropriate to tackle the phenomenon. For institutionalist claims to hold, one would expect differences - rather than similarities - in the solutions adopted in response to similar challenges by countries with different institutional frameworks. In practice, however, France and Great Britain preventive efforts are both based on strategies tackling what is perceived as the result of backward cultural traditions by promoting the rights of the individual consistently with the Western liberal tradition of human rights. Even though this chapter cannot provide a detailed account of the different conceptions of human rights present in non-Western cultures, it is important to stress the "key difference between non-Western and Western approaches to human dignity" – namely, "the much greater individualism of the Western human-rights approach" (Donnelly 1982, 311). Non-Western traditions, conversely, place greater emphasis on the community basis of rights and duties (Johnson 1988, 43; Pathak 1989, 8). Western individualism is undoubtedly reflected in the strategies adopted to promote gender equality in the prevention of forced unions in France and the UK. These strategies tend to promote gender equality by encouraging young people to choose

between their individual freedom and their “culture”. Rather than enabling them to better negotiate marital choices within their own cultures and families, these strategies push young people to make mutually exclusive decisions between their rights and their emotional and cultural background. Previously referred to as “exit” solutions (Phillips & Dustin 2004), such strategies are primarily centred on the right to exit one’s culture as a way to escape a forced union by joining a world of “civilized” universal values.

By considering the influence of the international human rights discourse, the study refers to the tradition in political science which explores the interaction between ideas and policies, and how different national institutions funnel, shape, and adopt similar international ideas (Thatcher 1999; Hansen & King 2001; Bleich 1998). According to Thelen and Steinmo (1992), “the specific mechanisms for integrating or adopting new ideas into the political arena are critical in shaping the interpretation and meaning behind those ideas” (Thelen & Steinmo 1992, 9). Yet, despite the relevance of institutional frameworks to shape the absorption and diffusion of new ideas (King 1992), the impact of such ideas on domestic policies depends on a host of factors. Institutional structures definitely play an important role, but so do established domestic ideas – in the form of policy frames (Bleich 1998, 95).

Despite acknowledging relevant similarities in the framing of forced marriage and gender relations at the national level, the analysis seeks to determine *whether and to what extent analogous similarities can be identified at different institutional levels* (national, regional, and municipal - both within and across these two countries), as patterns of convergence and divergence may differ across these different levels. Similarly, patterns of convergence and divergence can differ with regard to institutional practices. One aspect of historical institutionalism that proves to be extremely helpful in ascertaining variations of such practices across institutional levels is the emphasis on how a given institutional configuration shapes political interactions, rather than the formal

characteristic of either state or societal institutions *per se* – in other words, a focus on what Peter Hall (1986) calls the “relational character” of institutions (Hall 1986, 19; Thelen & Steinmo 1992, 6). This feature is illustrated by Erik Bleich’s (1998) notion of veto points (gatekeepers, in Bleich’s terminology), which builds on some of the key characteristics of the historical institutionalist approach (Immergut 1992) - such as “the emphasis on intermediate institutions that shape political strategies, the ways institutions structure relations of power among contending groups in society, and especially the focus on the process of politics and policy-making within given institutional parameters” (Thelen & Steinmo 1992, 7).

In his work on educational multiculturalism in England and France (1998), Bleich considers the interaction between two variables - the different structure of gatekeepers controlling the access of ideas into the policy process, and the different priors of gatekeepers in each country - as crucial to the likelihood of policy change within a given policy area (Bleich 1998, 81). Along with the notion of policy frames, the notion of gatekeepers helps introduce a necessary level of complexity into this analysis. Such concepts help explain the origin of patterns of similarity and/or divergence of institutional practices at different institutional levels, not only challenging the institutionalist claim of divergence of outcomes in different institutional contexts, but also qualifying and deconstructing the study’s central hypothesis of outcome convergence despite dissimilar institutional frameworks.

In particular, the analysis of policy-makers’ ideational assumptions helps understand their attitudes towards alternative prevention strategies, and the likelihood that policy change might happen in this field. In some cases, for instance, platforms alternative to the human rights discourse associated with the Western tradition might prove to be effective in providing young women with more feasible strategies to negotiate opportunities for themselves, and hence contribute to fight the structural causes underlying the phenomenon of forced marriage (Dwyer 2000). Research has shown how practices usually considered fostering “tradition”, rather than women’s empowerment – such as girls’ religious

education – might encourage the development of girls’ autonomy (Dwyer 2000; Brown 2006). Thus, the study explores the presence – in the selected case studies - of initiatives where the emancipatory claim to equal freedom that underlies human rights is promoted through activities aimed to foster “communitarian” bonds. The attitudes of local gate-keepers towards such initiatives are also analysed.

As Jack Donnelly (1982, 2003) has argued in his critical analysis of non-Western traditions of human rights, “there are important practical consequences to the ways in which we talk and think about human rights” (Donnelly 1982, 315). “Differences in approaches” – Donnelly suggests - “(...) can influence political practice in significant ways” (Donnelly 1982, 315). First published almost thirty years ago, and followed by an updated version in 2003, Donnelly’s influential work points out how different interpretations of the concept of human rights can be reflected in very dissimilar strategies of promotion of the rights of the individual, leading to different policy outcomes. *It is my hypothesis that policies consistent with the Western liberal tradition of human rights, even though intended to produce gender equality, may lead to the adoption of policy instruments which may have in practice a perverse effect, contributing to the perpetuation of the discriminatory gender relations which are at the basis of forced marriage.*

This research argues that current framings of forced marriage and gender relations, aiming in theory at the prevention of the practice through the promotion of individual rights, might contribute to the selection of policy instruments which lead to outcomes contrary to those intended - undermining freedom of choice in marriage for ethnic minority young people, rather than providing them with the tools to challenge the discriminatory gender relations underlying forced unions. In order to validate such claims, the study will look at the ways in which the formality of a rhetoric based on the human rights discourse is translated into practice in France and the UK. The sets of policy instruments, tools and techniques favoured by each country’s public authorities at different institutional levels will be examined, and their possible effects on young

people's freedom to marry will be discussed. In particular, I will consider the ways in which each measure targets certain factors restricting marital choices (e.g. "cultural" pressures at the point of entry into a marriage vs. elements originating "outside culture", such as socio-economic factors) rather than others. I will refer to existing scholarly works to analyse the impact of specific policy measures (Anitha & Gill 2009; Chantler et al. 2009; Enright 2009; Gangoli & Chantler 2009; Neyrand et al. 2008; Philippe 2008; Rude-Antoine 2010), as well as to the findings gathered over the course of my field work, in order to ascertain the implications of specific policy choices on young people's freedom to marry.

3.3 DIFFERENT INSTITUTIONS, SIMILAR OUTCOMES: THE LIMITS OF HISTORICAL INSTITUTIONALISM

If historical institutionalists' claims hold, divergent institutional frameworks in France and Britain should have led to increasing contrasts in patterns of policy making and policy outcomes in the efforts to prevent forced marriage, rather than to a similar outcome in both countries (the latter characterized by the adoption of similar policy instruments to curb and limit the phenomenon, which might be leading to a perverse effect - weakening, rather than strengthening, the freedom of choice in marital decisions amongst ethnic minority young people).

It is the goal of the study to show that ideas – in the form of *frames* (Bleich 2003) – best contribute to explain the reasons why French and British policies aimed at the prevention of forced unions have led to similar outcomes despite different institutional contexts. Despite differences in the policies and strategies adopted by multicultural Britain and republican France to tackle such phenomenon, *this study hypothesizes a common trend in the ways French and British public authorities frame prevention policies and the underlying assumptions about gender relations, which in turn influence the identification of policy instruments to prevent forced unions.*

Policy documents, official statements, and judicial sentences are analysed to identify the relevant frames - extrapolating information about actors' problem definition, and causal and moral evaluation. Interviews with institutional actors at different levels of government were conducted, as well as with non-institutional actors (especially with civil society organization, the academia, and the media). Even though individual frames are identical across all dimensions, it is possible to consider a frame as representative of a group of individuals as a whole if enough elements of the frame are shared (Bleich 2003, 29).

Understanding the “Perverse Effect” of Current Policy Instruments

The policy instruments currently favoured by French and British authorities might be leading to a perverse effect - weakening, rather than strengthening, the freedom of marital decisions amongst young people of ethnic minority background. In order to substantiate such a claim, it is necessary to qualify what it is meant by “weakening freedom of choice in marital decisions” in this context. Ideally, one of the most clear-cut ways to measure the decrease of freedom of choice would be to refer to the number of cases of forced marriage reported over the years. An increase in such cases could be considered as a valid proxy to measure the failure of current prevention policies, and the related decrease in freedom of choice for people at risk of a forced union.

Yet, despite the claims of leading NGOs in both France and Great Britain about a rise of the phenomenon of forced marriage in recent years (Neyrand et al. 2008; Phillips & Dustin 2004), this study will not refer to such claims to validate the thesis of outcome convergence for several reasons. First, these claims cannot be proven, given the lack of reliable statistics in both countries. In the UK, in 2010 the Forced Marriage Unit gave advice or support to 1,735 cases related to a possible forced marriage,⁵ but this is considered to be just the tip of the iceberg, as many

⁵ <http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/>, accessed on 13/08/2011.

young people fear to report and/or are abducted to marry abroad (Clark & Richards 2008, 502). In France it is generally stated that 70,000 adolescents are affected by forced marriage (HCI 2003). Despite controversies over the precise scale of the phenomenon (Dittgen 2005), commentators agree on considering it as not marginal and most likely growing, even – paradoxically – when the practice is in decline in the countries of origin (Clark & Richards 2008, 502).

In both France and the UK, the collection of reliable data is also constrained by the nature of the definitions of forced marriage. In both countries such definitions are based on the opposition between arranged and forced forms of marriage, where the issue of free consent is central. However, several authors stress the extreme difficulty of drawing a clear line between forced and arranged marriage when applying such distinction to real-life cases. The same authors also point out that insisting that arranged and forced marriage share nothing in common renders impossible a more nuanced analysis of the varied forms of coercion that may take place in the continuum that goes from arranged to forced marriage (An-Na'im 2000; Phillips & Dustin 2004, 12; Deveau 2006, 167).

The second reason why this study will not refer to current claims about an alleged rise of the phenomenon of forced marriage in recent years in order to validate the thesis of convergence of outcome in prevention policies is the following. Such claims, even though coming from well-known and respected organizations, are often likely to be politicized – the higher the number of cases of forced marriage, the higher the funding such organizations will receive. Finally, due to the lack of an official definition of the practice in France, it is unclear whether French NGOs are all using the same criteria to classify forced unions (Neyrand et al. 20008).

For these reasons, the study will refer to other factors – mostly qualitative, rather than quantitative - in order to justify the claim that current prevention policies carry the risk to undermine, rather than strengthening, freedom of choice in marriage for young people of ethnic minority

background. Prevention policies, despite attestations in official statements, do not seem to be amongst the government's priorities in terms of funding and political attention - neither in France nor in the UK. To substantiate this claim, the study will look at national and sub-national funding flows directed towards prevention initiatives, and how they relate to key stakeholders' plans of action. In both countries several observers have argued that the domestic dimension of the phenomenon is being overlooked, to the advantage of policy instruments tackling the overseas dimension because of its links with a restrictive immigration agenda (Wilson A. 2007; Phillips & Dustin 2004; Neyrand et al. 2008; Jama 2004). In France and Great Britain, indeed, transnational marriages have come under increasing scrutiny, leading to stricter controls in both countries and to the introduction of age limit restrictions in the British case. While such regulations have yet to prove to be effective in limiting forced unions (Gangoli & Chantler 2009; Chantler et al. 2009; Hester et al. 2007), there is no doubt that they will reduce the freedom of choice in marital choices of those who have fully consented to a marriage with a spouse from abroad (Supreme Court 2011).

The second element substantiating our claims is the lack of reliable statistics, which hampers prevention efforts (Neyrand et al. 2008). This issue is especially relevant in France, where not only specific data on forced unions are lacking, but also broader ethno-racial statistics about the general population. Even in the UK available statistics on cases of forced marriage concerns mainly overseas cases, leaving the domestic dimension largely undetected (Wilson A. 2007; Phillips & Dustin 2004, 2008). Where available, statistics gathered by local voluntary and statutory agencies have been examined and discussed (as in the case of the *Observatoire des Violences envers les Femmes* in the Seine-Saint-Denis department).

The third and last element refers to the ways in which current prevention policies tend to construct gender relations. In both countries prevention strategies are characterized by a common discourse based on the Western

liberal tradition of human rights. While it is undeniable that forced marriage is a violation of the rights of the individual, and therefore victims (and potential victims) should be given any means to escape an unwanted union, at the same time it is arguable whether strategies exclusively based on the Western tradition of rights will prove adequate to effectively prevent the practice. If the promotion of gender equality inherent to French and British prevention strategies relies heavily on a strictly Western discourse of individualism, then current preventive interventions carry the tangible risk of leaving unaddressed the needs of many girls “stuck” in between - between the desire to marry freely, and the desire and/or need to continue receiving emotional and/or financial support from their family and wider community. As these women are often younger and have religious or language needs that might not be addressed by available local refuges, the presence of services addressing the needs of young women victim or at risk of the practice will be considered.

While this study agrees on the fact that in many cases the only viable option available to young girls is to escape their own family and cut all ties with their community of origin, in many other cases it might not be necessary to reach this extreme point – or girls might not be brave enough to make such a life-changing decision. By relying solely on exit strategies promoting a Western conception of human rights, French republican and British multicultural policies risk overlooking the needs of those girls who - willing to assert their right to make independent choices and marry freely - are not able to, or do not want to, leave their cultures behind. Torn between two worlds, such girls are ignored by current policies, left behind in a grey area where the desire for personal freedom does not necessarily imply the willingness to abandon one’s own culture.

The presence of these common trends (neglect of the domestic dimension of the practice, lack of reliable data, and focus on the Western discourse of human rights) despite a clear dissimilarity of institutional frameworks clashes with the overwhelming emphasis in much comparative

institutionalist work on “policy-continuities over time within countries and policy variation across countries” (Thelen & Steinmo 1992, 10). Acknowledging this fact does not imply rejecting *in toto* the analytical insight that the historical institutionalist approach can bring. Historical institutionalism’s claim that stable, different national institutions lead to persistent and dissimilar patterns of policy-making across countries (Thatcher 1999, 20) is consistent with the overall framing of the issue of forced marriage – and related strategies and policies – in France and Great Britain.

Yet, even though historical institutionalism provides a valuable analytical framework for the study of the overall development of policies targeting forced marriages in France and the UK over time, the institutionalist emphasis on cross-national differences does not help explain the similarity of results in terms of policy instruments that is at the centre of the study. *Despite proving to be a valuable framework to help explain national continuities and persistent cross-national dissimilarities in the approaches adopted to tackle the practice of forced marriage in France and Britain, historical institutionalism does not seem to offer a clear explanation of the reasons why these countries are both adopting similar policy instruments which seem to undermine, rather than enhance, freedom of choice in marriage for ethnic minority people.*

For these reasons, the two national cases selected are particularly interesting as they appear to undermine the expectations of a consistent part of the historical institutionalist theory. Against such expectations, it is the goal of this study to demonstrate that policies aimed at the prevention of forced marriage in France and the UK, despite significant institutional differences, are more similar than they are different. In order to support this proposition, the study will review the policy instruments and tools favoured by each country in the efforts against forced marriage at various levels of government. The analysis of national and sub-national priorities and funding flows will allow determination of if and how a rhetoric centred on the formality of human rights is being translated into practice.

Despite differences in the way the Western tradition of human rights – both in its domestic form (as intended by national and sub-national actors and institutions) and in its international form (as conceived by international development organizations and as framed in international treaties and conventions) - has been incorporated in each country's national model of incorporation of immigrants, both French and British prevention efforts are based on a very similar, if not identical, notion of gender equality consistent with the Western human rights discourse and its focus on individualism. By focusing on this specific set of ideas, the study will examine the ways in which tradition frames and construct gender relations. In particular, *do such framings weaken, rather than reinforce, the ability of young people of ethnic minority background to negotiate their rights within their own cultures?*

Alternative sets of ideas aiming at the promotion of human rights via a non-Western discourse - such as the feminist Islamic tradition (Stovasser 1998; Ahmed 1993; Mernissi 1987; Donnelly 1982, 2003) – are explored over the course of interviews with non-governmental organizations engaged in prevention initiatives. However, the analysis of local interventions based on such alternative logics is impossible given their absence in the areas examined by this study.

3.4 RESEARCH DESIGN

Beginning with a consideration of French and British national models of incorporation, I analyze the evolution of the rhetoric and policies aimed at the prevention of forced marriage at different institutional levels in France and the UK. The relevant stakeholders can be divided into three main categories, each characterized by the presence of at least two (sometimes competing) agendas in their efforts to tackle forced unions: one explicitly related to tackling forced marriage in a manner consistent with that stakeholder's principles and beliefs, and another one related to each stakeholder's broader mission and activities (e.g. immigration control, protection of women's rights, securement of funding, etc.):

- National and sub-national authorities: along with the official goal to prevent and limit the practice, the study discusses the presence of alternative agendas consistent with each organization's priorities (e.g. control of immigration flows for the British Home Office and the French Ministry of the Interior);
- Voluntary sector organizations: along with each organization's individual mission (e.g. defending the rights of the group they represent - such as women, ethnic minority people, or ethnic minority women), the study will also consider the need to adapt priorities and actions to changing funding schemes in order to secure state support for their activities;
- Local service providers: this group is characterized by the tension between providing relevant services as required by law, and the *de facto* tendency to water down preventive efforts in order to avoid complaints from minority communities' representatives and families.

It is the goal of this section to set out the research plan.

Selection of Localities

Four major municipalities (two per country) are analysed as case studies – the capital cities, Paris and London, and the second two most populous cities, Lyon and Birmingham. Despite representing different contexts in terms of economic situations as well as cultural and political traditions, these four cities are characterized by the presence of large concentrations of ethnic minority young people – especially young women and girls - potentially at risk of forced marriage, and the correspondent significant number of local associations working on the issue.

In France, according to GAMS (*Groupe femme pour l'abolition des mutilations sexuelles et autres pratiques traditionnelles néfastes a la santé des femmes et des enfants*, 2002), the Ile-de-France region and the department of Rhône – where Paris and Lyon are located respectively - are amongst the areas most affected by the phenomenon of forced marriage, concerning in particular ethnic communities from Maghreb,

Sub-Saharan Africa (especially from Mali, Mauritania, and Senegal – HCI 2005, 18) and Turkey (Rude-Antoine 2005, 24).

In the UK, most forced marriage cases handled by the government involve Pakistanis and Bangladeshis (Samad & Eade 2002). Birmingham and London constitute ideal cases studies for the purpose of this research due to the high concentration of South Asian populations on their territory. In London, the borough of Tower Hamlets is the British locality with the highest concentration of Bangladeshi immigrants. Similarly, Birmingham is also characterized by a high concentration of South Asian communities (Birmingham City Council 2001). Within the district of Birmingham, the ward of Lozells and East Handsworth – which has suffered from an upsurge in inter-community tensions since the Birmingham riots in 2005 - has the highest proportion of ethnic minorities (mainly Pakistanis, and to a lesser extent Indians) (Birmingham City Council 2001).

Finally, these four cities benefit from an existing scholarship (Garbaye 2000, 2005; Le Galès 2002), as well as by the existence of qualitative studies on various aspects of the practice of forced marriage in some of these areas (such as Samad & Eade 2002 for Tower Hamlets; Neyrand et al. 2008 and Ousmaal 2008 for Lyon). The limits intrinsic to the selection of these localities versus others (e.g. would other localities have shown different results because of different population mix or local policies?) will be discussed in the final section of the chapter.

Unit of Analysis

The study's unit of analysis will be centred around – but not limited to – these four municipal units. They have been selected on the basis of the concentration of ethnic minorities at risk of the practice (Sub-Saharan African communities in Paris; North-Africans in Lyon; Bangladeshi and Pakistani communities in London and Birmingham respectively), as well as on the basis of the existence of prevention initiatives implemented on their territory by non-governmental organizations – whether led by NGOs themselves or by local institutions. Two municipalities were chosen in

each country to provide regional variation and diversity in voluntary services networks. In the analysis of each municipality, the study will examine mayoral stances on immigration and/or violence against women, and local policy priorities identified through the analysis of official documents approved by local executives and/or by the municipal councils establishing and/or financing prevention services to women and young people at risk of forced marriage (primarily educational policies, but also child protection services, targeted health services, sexual and reproductive health education, national language courses, community mediation, immigrant associations, interpretation/translation services, and special protection for abused women).

The rationale behind the choice of the study's unit of analysis will be further discussed in the chapters devoted to the four case studies. Before engaging in the analysis of such case studies, it should be clarified that this research does not intend to constitute a classical implementation study – in other words, it does not aim to offer an exhaustive review of how national laws and policies are carried out at the local level, and whether or not – or to what extent – the stated goals are achieved. The nature of forced marriage means that individuals experiencing such marriages are a “hard-to-reach” group, and it is difficult to develop accurate measures of the prevalence of forced marriages or the impact of changes in legislation. Initial exploration of official and other databases indicated that there was no existing source providing sufficient quality or coverage to provide valid statistical data.

Thus, the study intends to focus on the policy frames inspiring forced marriage prevention policy and rhetoric at different levels of government – stressing the ways in which they have influenced the choice of the most adequate policy instruments. In order to do so, the research considers policy-making at the local level as a process not necessarily activated by higher-level government policy programmes. It could also be the result of a process starting from below – in particular, from local policy networks and civil society associations mobilized on the issue of violence against women in general, and forced marriage in particular (Zincone & Caponio

2005, 10). The study uses the concept of “policy network” as defined by Giovanna Zincone and Tiziana Caponio (2005): “a network of actors (public and private) who are endowed with different resources (organization, expertise, knowledge, information, consensus, democratic legitimacy, reputation, economic power, etc.) and are concerned in the same field of policy” (Zincone & Caponio 2005, 32). As the analysis of the selected case studies will show, the differences – in terms of composition (e.g. inclusion or absence of ethnic and/or religious minority representatives), origins (e.g. bottom-up vs. top-down pressures), and structure (e.g. formalized structure vs. ad hoc meetings) - among local policy networks are particularly important for understanding differences in forced marriage prevention policies at the local level.

Selection of Sample

Preliminary meetings with leading French and British scholarly experts working on forced marriage and “honour”-based crimes helped identify a network of key individuals in statutory agencies and non-governmental associations active in the prevention of forced unions. Such contacts have triggered a cascade effect which has led me to expand my network of contacts - connecting me with bureaucrats and NGO staffers working on forced marriage and its prevention in France and the UK, both at the national and sub-national level. By doing so, they have allowed me to successfully identify the population sample object of this study – namely, the members of the relevant national and local policy networks, defined in broad terms as those actors (whether individual or collective) claiming an interest in addressing the phenomenon of forced marriage, and particularly its prevention through the use of educational initiatives.

Close to 80 in-depth semi-structured interviews have been conducted, targeting the voluntary sector (over 30 respondents), national and sub-national institutional representatives (over 30 respondents), and scholarly experts (over 10). Interviewees have been selected to represent national and sub-national government agencies dealing with forced marriage

prevention in the field of child protection, domestic violence, violence against women, and/or education. In addition, voluntary sector organizations working on the prevention of forced marriages through educational activities (whether as a key part of their mission, or as part of their broader activities) have been interviewed. These include associations working on domestic violence/violence against women, on issues affecting ethnic minority women, and specialized on forced marriage and “honour” crimes. Interviews have also been held with most of the relevant scholarly experts in the country. Despite not being based on a formalized, limited set of questions, all interviews referred to a pre-determined framework of key questions and themes to be explored. Along with the use of in-depth semi-structured interviews, the research relies on the analysis of primary documentation approved by national and local executives to identify policy priorities in the field of forced marriage prevention at different levels of government, as well as on relevant parliamentary and senate proceedings, judicial sentences, and newspaper articles.

Clearly, to gain a better understanding of the complex issue of forced marriage, it would be necessary to interview victims of unwanted unions, as well as samples of young people exposed to prevention initiatives (both belonging and *not* belonging to the ethnic minority communities considered to be at risk of the practice, in order to avoid the reiteration of cultural stereotypes). Yet, the research has purposely avoided the inclusion of such populations in the selected sample, as it is not my intention to address the practices, cultures, and incidence of forced marriage amongst young people in ethnic minority communities in France and the UK. Such an approach would imply a greater focus on the individuals and demographics involved in forced marriage at first hand, and an ethnographic engagement with such people – activities which go beyond the scope of this research.

Sources of Data

Sources of data will be analysed in more detail in the following country-specific chapters. In general terms, the sources selected can be divided into the following categories:

- *Statistical data* (such as population surveys, both national and local);
- *Policy documents* (such as official reports on immigrant integration and on gender equality; national reports specifically addressing the issue of forced marriage, and guidelines on the role of educational institutions in integrating migrants or preventing forced unions). Such documents include not only governments' publications (at various institutional levels), but also contributions by relevant non-institutional actors (such as leading NGOs active in the field of prevention of forced unions). In the study of official documents, the research will consider the composition of political majorities and their position on immigration in general and the specific issue of forced marriage in particular. Additionally, relevant documents authored by international organizations (such as the UN-led CEDAW progress reports) will be analysed;
- *Parliamentary proceedings and judicial sentences*, where considered necessary;
- *Interviews* with key stakeholders (such as selected representatives of national and local educational institutions; NGOs representatives; school educators and social workers).

Research Tools

Qualitative research techniques are adopted. These include:

- *Discourse Analysis*: the analysis will begin with a review of relevant policy documents to ascertain the key policy frames inspiring current policies and rhetoric aiming at the prevention of forced unions. In order to do so, discourse analysis will be used as a tool to unveil the underlying assumptions about gender relations and cultural traditions, and how these influence a particular problem definition of the issue of

forced marriage, causal interpretation, moral evaluation, and/or prevention recommendation for the phenomenon;

- *Interviews*: in-depth semi-structured interviews with key actors and/or observers (local government officials, representatives of NGOs, religious leaders and community activists). Rather than using a formalized questionnaire, interviews relied on a pre-established framework of key questions and themes to be discussed.

Most interviews were conducted between October 2009 and August 2011. They helped gather first-hand knowledge about how gender relations are constructed by actors directly involved in the implementation of forced marriage prevention policies (i.e. NGO workers and local bureaucrats). They also helped understanding if and to what extent local actors' perspectives differ from the logic dominant at the national level, and for what reasons. In this sense, interviews are mainly illustrative of the fact that there are several ways to understand the concept of human rights in general and of gender equality in particular, how different interpretations are distributed across different institutional levels, and how such interpretations influence the construction and implementation of prevention initiatives.

Selection of Questions

Listed below are some of the issues tackled through the use of interviews with local bureaucrats and NGO workers:

- Ascertaining the role of non-governmental associations and experts. Do their contributions go beyond a mere consultative role?
- Extrapolating which specific interpretation of human rights underpins the actions of the actors involved (e.g. Western discourse, Islamic feminism);
- Establishing on what basis high-schools are selected to implement prevention initiatives. Do experts and NGOs consultations leading to top-down decisions play a major role, or rather are school educators'

teams flagging specific needs to local authorities over the course of a bottom-up process?

- Understanding the extent to which national and local policies are actually affecting NGOs working on prevention of forced marriage through educational activities (such as women's groups, immigrant associations, religious and charitable groups), with particular attention to elements affecting their budget and the selection of their priorities.

The following issues regarding young people were indirectly explored over the course of the interviews with NGO staffers implementing prevention programs in high schools:

- What are the major issues for the selected boys and girls in terms of marital choices;
- Whether young people exposed to the selected prevention initiative feel concerned by the practice of forced marriage, and if so, in what sense (directly, or as a reality concerning a relative, a friend, someone in their community, etc.);
- How they perceive current prevention efforts taking place in their school environment;
- Whether they identify themselves with the terminology and role models used in the current initiatives targeting forced unions;
- The degree to which they feel empowered by these initiatives, and whether they think such programs are helpful in providing them with ways to deal with the issue of forced marriage.

Limits of Research Design

First, the analysis has carefully considered the weakness inherent to conducting interviews and validating the veracity of the responses. In-depth semi-structured interviews (each lasting 45 minutes to two hours) were chosen as they allow questioning to be guided by the interviewer, with the possibility to clarify ambiguous points more easily than in something like a mailed questionnaire (Frey & Oishi 1995, 3). However, I recognize that the validity and reliability of the data collected through

interviews are influenced by the willingness of the respondent to give accurate and complete answers (Breakwell et al.1995, 238-39). In order to attempt to overcome such shortcomings, all interviews were digitally recorded with the respondents' permission. This allowed me to concentrate completely on each respondent, picking up essential non-verbal cues and engaging fully in exploratory and responsive questioning. In-method triangulation – namely, data triangulation - was applied on a variety of respondents by gathering data from alternative sources when tackling sensitive issues (Denzin 1970). Methodological triangulation through the use of focus groups was considered in the early phase of this study (Cohen & Manion 2000, 254), but discarded after two trials due to the impossibility to gather simultaneously in the same venue an adequate number of respondents.

Second, the thesis has already discussed the challenges to tackle the dependent variable at the center of this study – namely, young people's freedom to marry. Due to the lack of official quantitative data on forced marriage cases in both France and the UK, and the fact that none of the NGOs and statutory agencies contacted were able to provide non-confidential data of sufficient detail or coverage for the purposes of this research project, it is impossible to study variations on the dependent variable in terms of variations in the number of forced marriage cases (Khanum 2008). The lack of an official definition of the practice in France renders the problem even more acute, leading the study to tease out the various components of what constitutes a forced marriage - or the circumstances in which a forced marriage might occur - over the course of each interview. Based on these considerations, the analysis of the policy instruments adopted to tackle forced unions - and the effects they are likely to have on young people's marital choices in minority communities - will be used as a proxy due to the impossibility of measuring change in forced marriage cases.

Third, the selection of the four cities was guided by the presence of on-going efforts tackling forced marriage in the statutory and voluntary

sectors, and the allegedly high prevalence of the practice. Due to the lack of official statistics, prevalence was established on the basis of preliminary mapping interviews with selected representatives of statutory agencies. These usually based their opinions on anecdotal data and the areas' ethnicity profile (Asian and/or Muslim communities being considered at higher risk of the practice). It should be stressed that such agencies rely heavily on a small number of NGOs – mostly active at the national level - for information on the practice. As such groups have increasingly reduced their grassroots work to the advantage of national advocacy it is unclear how reliable their knowledge of local realities can be considered. Over the course of my fieldwork, for instance, interviews held with local service providers and local NGO representatives have suggested that there might be differences in attitudes and perhaps prevalence rates of forced marriage within Asian and/or Muslim communities according to geographical region. While ascertaining such statements goes beyond the scope of this research, it is a fact that such issues have not been explored by policy makers or writers on the subject, who often assume forced marriage is simply a custom of Asian and/or Muslim communities regardless of where those communities came from and where they had settled in the France and the UK.

Fourth, it should be emphasized that, despite areas with high forced marriage prevalence are more likely to present a higher concentration of voluntary and statutory agencies working on the issue, this does not automatically imply a higher number of prevention initiatives in local educational institutions. The reluctance of such institutions to engage in prevention initiatives in minority communities should be borne in mind in the interpretation of the study's findings. This might result in a smaller number of prevention initiatives in schools despite a heightened awareness on the issue if compared to other areas. Such a specification should be considered as basis for all inferences from the study's conclusion concerning prevention policies in France and the UK (King et al. 1994, 135).

Finally, it is critical to stress that the level of engagement of sub-national institutions working on women's rights and on violence against women might vary by municipality – depending on the political orientation, personal beliefs and professional background of members of the policy network tackling the issue in the area. This, in turn, affects the likelihood of forced marriage prevention being on the local policy agenda in the first place. By focusing only on a limited number of case studies, the study may have missed issues which other cases would have revealed.

Chapter Four:

GENDER RELATIONS AND THE PREVENTION OF FORCED MARRIAGE: THE CASE OF GREAT BRITAIN.

The chapter identifies the different ways in which forced marriage prevention was tackled in Great Britain at the national level from 1997 to 2008 (with an excursus into 2010 and 2011 to outline recent developments). The first section will provide a general overview of the key historical and legislative steps which have characterized the debate on forced unions in the UK over roughly a decade. After examining the nature of the population at risk of forced marriage in the country, particular attention will be devoted to controversial issues which have constituted *leitmotifs* both in the academic literature and policy practice - such as the distinction between arranged and forced marriage, the policy focus on the “overseas” dimension of the practice, and the role of cultural mediation in tackling the phenomenon. In addition, the key steps taken by British authorities to prevent forced unions will be reviewed – namely, the creation of the Forced Marriage Unit, the enactment of the Forced Marriage (Civil Protection) Act, and the provision of safe accommodations to people at risk or victims of a forced union through initiatives such as the Supporting People Programme.

To understand the origins and trajectory of British national policies on forced marriage prevention, several questions will be addressed, including: *What factors led British law-makers to put forced marriage on the Parliamentary agenda, and what elements influenced the timing of their actions? Who favored the development of an approach based on ad hoc legislation – rather than on general laws as in France? What factors should be considered in order to account for the willingness to adopt an official juridical definition of the practice - which is still absent in France? What finally determined what form forced marriage prevention would take?* Such questions aim not only to identify the origins of the

dominant policy frames inspiring the actions of British legislators, but also to outline their relationship to political and social groups as well as to individuals (Bleich 2003, 29) within the UK. This is an essential step in order to demonstrate the relevance of policy frames in explaining British policy outcomes in the field of forced marriage prevention. If frames are important in determining policies regarding the prevention of forced unions, the empirical record will show that relevant actors hold coherent policy frames. Building on these questions, it is goal of the chapter to examine the ways in which such beliefs are organized, whether it is possible to identify a consistent structure stable over time, and the ways in which such a structure has affected British policymaking.

The last section will discuss the ways in which the policy instruments prioritized by the British government to tackle forced unions might contribute to a “perverse effect” (Hirschman 2003, 36; Sieber 1981), undermining – rather than enhancing - the freedom of marital choices of young people in minority communities. To investigate such a claim, the characteristics of the policy frames underpinning the choice of each instrument are analysed. The reasons underlying the choice of specific solutions will be explored, as well as the consequences that the adoption of an official definition of forced marriage has had on the selection of current policy instruments. The assumptions about the causes of forced marriage underlying current legislative choices will be discussed – especially with regard to the interpretation of the practice as caused by an alleged lack of integration amongst migrants.

4.1 NATIONAL LEVEL: POLICIES AGAINST FORCED MARRIAGE. HISTORICAL BACKGROUND AND KEY LEGISLATIVE STEPS

Regulation, Dialogue, and Exit

The study analyzes policy instruments - and related techniques and tools (Lascoumes & Le Galès 2007) - through the lens of the categorization developed by Phillips and Dustin (2004) reviewed in chapter two. The

authors classify policy interventions tackling forced unions as inspired by the criteria of regulation, dialogue or exit. Within this framework, both France and the UK seem to be resorting, albeit to different extents, to regulatory solutions (in the form of immigration controls), and exit-centred solutions aimed at supporting victims by providing them with safe accommodations (Phillips & Dustin 2004; Clarks & Richards 2008). According to Phillips and Dustin, regulatory solutions approach issues of cultural difference in practical, rather than ethical, terms. They impose specific principles of behavior without questioning the power relations underlying them (Phillips & Dustin 2004, 2). Conversely, approaches based on “dialogue” are “more willing to recognize that values are formed within particular cultural contexts” (Phillips & Dustin 2004, 3), favouring “a dialogic encounter between majority and minority communities in order to arrive at generally acceptable norms of conduct” (Phillips & Dustin 2004, 3). Finally, exit solutions constitute the least interventionist option to deal with cultural diversity. “Refraining from direct action that would regulate or criminalize the practices of a minority cultural group”, such an approach “stresses the right of individuals to exit from their group if they are dissatisfied with their treatment” (Phillips & Dustin 2004, 4). The table below summarizes the main policy and legislative initiatives adopted by the British government to tackle forced unions between 1997 and 2010. Each item - classified on the basis of the regulation/dialogue/exit categorization (Phillips and Dustin 2004), as well as their area of intervention (domestic Vs “overseas”) - will be discussed in this chapter.

4.1.1 Key Policy and Legislative Initiatives

	Regulation	Dialogue	Exit
Domestic Dimension	None	1999/2000: Working Group on Forced Marriage / Juridical Definition of Forced Marriage	2003: MARACs 2003: Supporting People Programme 2007: Forced

		2005: Forced Marriage Unit	Marriage (Civil Protection) Act
Overseas Dimension	Immigration Controls: 1) 2008: Higher Age Requirements for Transnational Unions 2) 2010: English Language Requirement for Transnational Unions	None	2000: Rescue missions organized by Community Liaison Unit (now Forced Marriage Unit)

Based on the amount of political and legislative attention devoted to the issue, the UK is amongst the European states that most actively have attempted to curb the practice of forced marriage (Rude-Antoine 2005). Since 1999, the British government has worked to develop legislation focused on curtailing the phenomenon, while non-governmental organizations - women's groups in particular - have stepped in to provide support for the victims. Prior to 1999, it was left to courts to tackle forced marriage cases without any specific guidance from the national government. The Labour Party's electoral victory in 1997 signed a change in the government's approach to forced unions, symbolized by a greater willingness to publicly tackle human rights abuses of minority women. In particular, the abolition of the Primary Purpose Rule in the same year – which required foreign nationals married to British citizens to prove that the primary purpose of their marriage was not to obtain British residency – seemed to suggest the intention to address issues related to forced marriage without recurring to immigration controls. Despite such initial changes, immigration controls still continue to play a leading role in the government's strategy to prevent and limit forced unions. After abolishing the Primary Purpose Rule, the government retained other restrictions, such as the probationary period for all marriages to foreigners – initially one year and subsequently extended to

two years – after which non-British spouses can apply for the right to remain, and has introduced language requirements on transnational marriages and the recently overturned ban on non-EU young spouses. Before examining in greater depth the evolution of British forced marriage prevention policies, it is appropriate to first consider the population most affected by the practice in the UK.

Population

A lack of standardized data and significant underreporting makes it difficult to undertake an accurate assessment of the number of individuals who have been forced to marry against their will. In 2010, the Forced Marriage Unit (FMU) – the leading UK agency responsible for dealing with the issue – provided advice or support in 1,735 instances related to a possible forced marriage. According to the FMU, in recent years there has been a surge in reported cases, especially those involving men. In 2009, the number of calls from men to the unit increased by 65% - from 134 in 2008 to 220 in 2009 (The Guardian, 01/07/2010). However, due to many victims' fear to report the abuse suffered, the total number of cases for both sexes is suspected to be significantly larger: at least 5,000 cases per year (Kazimirski et al. 2009). The overwhelming majority of victims are female: 85% of the Forced Marriage Unit's cases (Khanum 2008). Even though the majority of such cases involve adolescents and young women, children as young as nine have been rescued from forced unions (The Times 08/01/2010) – as mentioned in the report published by the Ministry of Justice into the first year of the Forced Marriage (Civil Protection) Act 2007 (Ministry of Justice 2009). Thus, forced marriage can be a form of child abuse and therefore can be tackled within the Child Protection framework (while Domestic Violence legislation applies to cases involving victims over 18 years old).

According to a study by Khanum (2008), the majority of forced marriages in Great Britain take place amongst South Asian communities – Pakistanis, Bangladeshis and Indians. It happens among other minorities as well, especially from Africa, the Middle East and parts of Eastern

Europe, but the numbers are smaller: 65% of the cases handled by the Forced Marriage Unit (FMU) are from families of Pakistani origin, 25% of Bangladeshi origin and the remaining 15% of other origins. Although religion at times is invoked by communities to legitimize an existing tradition of forced marriage, research shows that the phenomenon is not linked to one specific religion nor is it a practice of one specific culture (Gangoli & Chantler 2009; Hester et al. 2008).

The Early Years: A Choice by Right

The Primary Purpose Rule - which required applicants to prove that the primary purpose of their marriage was not settlement in the UK - was abolished in 1997. According to some of the critics of this decision, the abolition led to an increase in reported cases of forced marriage. The change in legislation provided a greater incentive for minority community members to see marriage as a vehicle for immigration, and thus force British-born and educated young people to enter a marital union in order to sponsor foreign spouses' visas (The Independent, 20/07/1998).

Abdullahi An-Na'im, one of the first scholars researching forced marriage in the UK, echoes this perspective. Three years after the abolition of the Primary Purpose Rule, An-Na'im argues that "it is likely that both the demographic profile of the diaspora community and immigration law in the U.K. provide incentives for forced marriage" (An-Na'im 2000, 2).

Simultaneously, as pointed out by Anne Phillips and Moira Dustin in their study on forced marriage in the UK (2004), the publicity attached to three cases of honour murders related to forced marriages raised the profile of the issue amongst British public opinion: the murder of Rukhsana Naz, a teenage girl strangled by her brother after she left an arranged marriage and became pregnant by another man; the story of "Jack" and "Zena" Briggs, who spent years in hiding from bounty-hunters employed by Zena's family after she refused an arranged marriage; and the successful return to the UK of a young Sikh girl, KR, abducted by her parents to India for the purpose of marriage (Phillips & Dustin 2004, 8; Gill & Anitha 2009, 258).

While it is undeniable that these elements raised the profile of forced marriage as a social emergency, “honour” murders were hardly a new phenomenon in the UK. Thus, it is essential to consider other contributing factors which can explain the origin – and the timing - of the sudden increase in the attention given by the British government to the issue. Firstly, the fact that the 1997 Labour victory resulted in a larger cohort of female MPs, accompanied by a greater willingness to tackle issues related to violence against women. This is demonstrated – Phillips and Dustin (2004) argue - by the significant increase in the time devoted to parliamentary debates on forced marriage starting from the late 1990s (Phillips & Dustin 2004, 8, 36). A remarkable example of such increased activism is represented by Ann Cryer, the MP for Keighley elected in 1997. Amongst the first politicians to refer to the issue of the treatment of Asian Muslim women by their families in a British Parliamentary debate, Cryer is also the first MP to bring the issue of forced marriage – along with Alice Mahon, the MP for Halifax - to the attention of the Parliament. Secondly, the work done by several women’s groups (such as Southall Black Sisters) on issues related to honour crimes in general, and forced marriage in particular, since the late 1970s (Phillips & Dustin 2004, 8). In 1997, thanks also to propitious political circumstances, the time was ripe to collect the results of such work.

It is within such a context that in 1999 a Forced Marriage Initiative - led by Ann Cryer, who years later would help steer the Forced Marriage (Civil Protection) Act 2007 through Parliament - was launched by a debate in the House of Commons. Framing the phenomenon as a practice that “has little to do with religion”, in her first Parliamentary speech on the topic Ann Cryer made clear that she did not “oppose arranged marriages as such”.⁶ By August 1999, in the wake of the death of Rukhsana Naz, the Home Office established a Working Group to examine

⁶ Ann Cryer MP in the Commons debate on Human Rights (Women) on 10 February 1999 (column 257): <http://www.parliament.the-stationery-office.co.uk/pa/cm199899/cmhansrd/vo990210/debtext/90210-07.htm#90210-07_spnew4>

and report on the phenomenon of forced marriage in England and Wales (Home Office 2000, 10). Chaired by Baroness Uddin (the first Muslim woman in the House of Lords, currently suspended from the Labour party and the Parliament following her involvement in the recent House of Lords expenses scandal), the group represented a new way of tackling delicate social issues in contrast to previous governments, adopting consultation strategies rather than top-down decisions. Except for two influential Asian women's organizations, the group was composed by influential "community leaders" (Wilson 2010, 63). The eagerness to include – at least formally - ethnic minorities in the public debate over forced marriage was reiterated after the end of the investigation led by the Working Group. As argued by the then Immigration Minister Mike O'Brien, "we cannot solve (...) [the problem of forced marriage] alone. (...) It is for communities, and especially parents, to take the lead in eradicating forced marriage. There is a need for dialogue and education among parents, children and opinion formers in affected communities in order to change attitudes and prevent (...) forced marriage".⁷

In 2000, the Group's findings were published in a report, *A Choice by Right* (Home Office 2000), followed by great publicity. Forced marriage and its eradication became the object of the activity of the Community Liaison Unit, based in the Foreign Office. The report had five key themes.

(1) Arranged Vs Forced Marriage

The distinction between arranged and forced marriages – which would become central to British policy-making on forced unions - was considered by the Working Group to lie "in the right to choose" (Home Office 2000, 10): "many families with a cultural background in the Indian sub-continent" – the report states – "will never have come across an instance of forced marriage, but will only have positive experiences of the arranged marriage tradition" (Home Office 2000, 12). In arranged

⁷ Mike O'Brien MP in the Commons debate on Forced Marriages on 22 November 2000 (column 116WH):
<<http://www.publications.parliament.uk/pa/cm199900/cmhansrd/vo001122/halltext/01122h05.htm>>

marriages, the families of both spouses take a leading role in selecting the partner, but the final choice of whether or not to accept the arrangement remains with the potential spouses. In other words, in arranged marriages the spouses give full and free consent.

Conversely, framed as an abuse of human rights, forced marriage was defined as “a marriage conducted without the valid consent of both parties, where duress is a factor” (Home Office 2000, 6). Duress has been recognised by UK courts to include both physical and emotional pressure. It denotes a rather broad spectrum of behaviours, ranging from emotional pressure, exerted by close family members and the extended family, to the more extreme cases, which can involve threatening behaviour, abduction, imprisonment, physical violence, rape and in some cases murder (the so-called “honour” killings).

As pointed out by Amrit Wilson (2010), “duress is a nebulous concept” – while it might be appealing as a theoretical tool, in practice it is extremely problematic to draw the line between arranged and forced unions (Wilson 2010, 62). On the one hand, victims may struggle to identify themselves as being part of a forced union despite acknowledging being part of an on-going coercive process. As explained by Kaveri Sharma of Newham Asian Women’s Project (NAWP), an organization providing advice and support for Asian women experiencing domestic violence, it is not uncommon to hear young girls saying that they are being “forced into an arranged marriage” – a sentence which pointedly summarizes the confusion experienced by young people facing coercion within their own family.⁸

On the other hand, courts can experience difficulties in ascertaining the presence of duress and substantiating their rulings with adequate empirical evidence. In order to establish whether a marriage has taken place under duress, British courts apply the test of “reasonable

⁸ Interview held in London on 26th May, 2010 with Kaveri Sharma, Legal Advisor at Newham Asian Women’s Project (NAWP).

alternative”⁹, according to which - in the absence of such an alternative - duress, rather than free will, is at the basis of the union.

However, “the application of such a test to empirical cases can be problematic” – argues criminologist Aisha Gill during the course of an interview held in February 2010.¹⁰ According to Gill, the assessment of British courts in applying such a criterion is “implicitly based on what would be reasonable for a white male living in the UK”¹¹. In her work on the forced marriage debate in the UK co-authored with Sundari Anitha, Gill claims that British courts have been willing to accept emotional threats (from a personal source) and physical threats (from a personal source and/or from unattributable sources) as coercive, but have proved to be less eager to consider other factors which might be “specific to some communities, and particularly onerous on women (such as fear of ostracism from the community or notions of shame)” (Anitha & Gill 2009, 175). Far from being a neutral empirical test of coercion, the reasonable alternative test would be based on specific gendered and culturalist assumptions (Anitha & Gill 2009, 175), which take as implicit standards those factors usually affecting choices made by British white males.

Deconstructing the culturalist assumptions underlying the government’s interpretation of forced unions since *A Choice by Right* is central to the analysis of British forced marriage legislation offered by Enright (Enright 2009). Forced marriage, Enright argues, is understood by the British government “almost entirely as a product of cultural difference” (Enright 2009, 331). She suggests such an approach is consistent with the rhetoric of community cohesion and its insistence on shared British values. The respect of human rights – intended as the essence of common British values – “emerge[s] as the yardstick by which the acceptability of (...)

⁹ As pointed out by Anitha and Gill (2009), “in the legal discourse on forced marriage in the UK, the test of ‘reasonable alternative’ is used to determine whether a marriage has taken place under duress. In the absence of such an alternative it is accepted that duress, and not free will, is the basis of the marriage” (Anitha & Gill 2009, 175).

¹⁰ Interview held in London on 17th February, 2010 with Dr. Aisha Gill (Roehampton University).

¹¹ *Ibid.*

cultural values will be determined” (Enright 2009, 340). Within such a framework, forced marriage is interpreted almost exclusively in terms of adherence to minority cultural values in preference to the human rights principles shared by the majority (Enright 2009, 341). Enright’s analysis seems to be confirmed by Prime Minister David Cameron’s speech held in Munich in early 2011, where forced marriage is brought as example of a practice contrary to British values – the outcome of “hands-off tolerance [which] has only served to reinforce the sense that not enough is shared”.¹² As a result, the persistence of the practice is considered to be not only a threat to ethnic minority women, but to the cohesion of the wider British community itself. To amend past mistakes inspired by “the doctrine of state multiculturalism” – Cameron continues – “instead of encouraging people to live apart, we need a clear sense of shared national identity, open to everyone”.¹³

Such a framing of the practice rests on an interpretation of forced unions understood exclusively as the product of minority cultures (especially South Asian Muslim). Simultaneously, it strictly associates - if not univocally identifies - the freedom of marital choices with the universalized values of the dominant culture, as if such freedom was impossible within minority cultures. Such a dichotomy inevitably leads to the adoption of specific policy solutions and related tools, which tend to neglect socio-economic factors, while focusing on encouraging victims to “exit” their culture in order to escape forced unions - as already noted by Enright (2009, 341). Marai Larai, director of the refuge network Imkaan, reinforces such point, stressing the risks implicit in this approach.¹⁴ In particular, Larai points out how the political and media attention on South Asian cultures – and specifically the Muslim community – carries the risk

¹² Speech held at the Munich Security Conference on 5th February 2011:
<<http://www.newstatesman.com/blogs/the-staggers/2011/02/terrorism-islam-ideology>>

¹³ *Ibid.*

¹⁴ Interview held in London on 25th May 2010 over the course of the Public Policy Exchange Symposium Working in *Partnership to Safeguard Young People: Preventing Forced Marriage* with Marai Larai, director of Imkaan.

of missing potential victims who, belonging to other cultures (such as the Irish travelling community), do not fit such category.¹⁵

The issues raised in this section by Enright and scholars such as Wilson (2010), Anitha and Gill (2009) remind us of the ambiguity and complexity of the forced/arranged marriage distinction inherent in the use of the concept of duress. Such complexity was not addressed in the *A Choice by Right* report, which focused on the centrality of the concept of “choice”. According to Amrit Wilson (2010), this approach is consistent with the British state’s neo-liberal ideology, which – since the 1980s – “has been concerned with the *right* of individuals to *choose*” (Wilson 2010, 62). In the case of forced marriage, Wilson argues, this has implied a focus on the cultural factors which prevent South Asian women from exercising their right to choose, ignoring economic and social factors as well as the existing power relations within the family and community. The neglect of such elements, the scholar and activist adds, is not without consequences. On the contrary, it contributes, the author argues, to “undermine the neoliberal notion of choice and render it meaningless in practice” (Wilson A. 2007, 91, quoted in Wilson 2010, 62).

(2) The Overseas Dimension

The “overseas” dimension of forced marriage is the phenomenon of British citizens marrying partners from overseas – usually, but not exclusively, from South Asian countries. Despite research findings showing that also within the UK forced marriage is a problem primarily affecting women of South Asian origin (Home Office/FCO 2005, 15), the *A Choice by Right* report made clear that “the issue of forced marriage should not be used to stigmatise any community” (Home Office 2000, 12). In addition, it stated that “the Working Group has found that no major world faith condones forced marriage” (Home Office 2000, 6), a point echoed five years later by the results of the consultation on whether or not criminalize forced marriage (FCO, Scottish Executive and Home

¹⁵ *Ibid.*

Office 2006, 4). Yet, repressive aspects of traditional cultures (often associated with the Asian Muslim community) were repeatedly called into question by Ann Cryer, the MP for Keighley, in a “speech laden with colonial overtones” coinciding with the launch of the Forced Marriage Initiative in 1999 – as noted by Amrit Wilson in her work on forced marriage in the UK (Wilson A. 2007). Ignoring the fact that coerced marital choices cut across religious and class divisions - Wilson argues - in her speech Cryer suggests that not only “were ‘forced marriages’ the preserve of Muslims but also that Muslims were poor and working-class as a result” (Wilson A. 2007, 31). Since then, forced marriage has become a “short-hand term for backward cultural traditions” which implicitly stereotypes a particular narrative around Asian communities - as suggested during the course of an interview held in March 2010 with Rahila Gupta, a writer and journalist who has extensively collaborated with Southall Black Sisters, one of the leading NGOs working on violence against ethnic minority women in the UK.¹⁶

While the report did not refer to forced unions as an exclusively transcontinental phenomenon, the repeated reference to South Asian communities, and the location of the Community Liaison Unit at the Foreign and Commonwealth Office (subsequently re-launched as the joint Home Office and Foreign Office Forced Marriage Unit) implicitly did so. As its location suggested, the Unit was meant to deal with cases of forced marriage involving a spouse from overseas (most often in Pakistan) and an individual settled in the UK. Even though in recent years the domestic work on forced marriage has become increasingly significant, the centrality of the transnational focus of current policies tackling forced marriage has led to the identification of an “overseas dimension” of forced marriage (Dustin & Phillips 2008), which has undoubtedly overshadowed domestic initiatives. The relevance of such a dimension was reinforced in November 2008, when the minimum age to sponsor the entry of a spouse from outside the European Union was raised from 18 to

¹⁶ Interview held in London on 9th March, 2010 with Rahila Gupta.

21 (while the legal age for marriage within Britain remains 16). Inspired by similar initiatives launched in other European countries (such as Denmark and the Netherlands, which have raised the minimum age to 24), the law has stirred a heated debate over its possibly discriminatory nature against people belonging to ethnic minorities (who are more likely to engage in a marriage with a partners from outside the European Union), and for the lack of data proving its efficacy in curbing forced unions (Gangoli & Chantler 2009). Most crucially, a study (Hester et al. 2007) commissioned by the Home Office (whose findings the Home Office never published) found - on the basis of focus groups held with members from a wide range of minority communities - that raising the age might actually increase the chance for victims to be abducted to a foreign country, worsening their situations (Hester et al. 2007, 21-2). Building on the study's findings, Gangoli and Hester also point out the possibly discriminatory nature of such measures with regard to people belonging to ethnic minorities (who are more likely to engage in a marriage with a partner from outside the European Union) (Gangoli & Chantler 2009, 284). The authors draw these conclusions from interviews and focus groups held with a range of voluntary and government agencies as well as forced marriage victims from several minority communities.

The debate was recently revamped by the decision of the Supreme Court to rule as unlawful the government ban on non-EU foreign spouses under the age of 21 coming to the UK. Although the Court had initially backed the Home Secretary's power to deny entry or settlement visas to spouses under the age of 21, its position changed drastically in a judgement given on October 12, 2011, on a case brought by two couples. According to such couples, the immigration rule which came into force in November 2008 had unlawfully interfered with their right to a private and family life. Declaring the ruling incompatible with the couple's rights, Lord Wilson said in the Supreme Court's judgment that "by refusing to grant marriage visas to the respondents the Secretary of State infringed their rights under article 8 [of the European Convention on Human Rights]" (Supreme Court 2011, 24). According to Lord Wilson, "the number of

forced marriages which [the rule] deters is highly debatable”. “What seems clear” – Lord Wilson argues in the judgment – “is that the number of unforced marriages which it obstructs from their intended development for up to three years vastly exceeds the number of forced marriages which it deters” (Supreme Court 2011, 25).

It should be noted that one of the five Supreme Court justices, Lord Brown, ruled in the government’s favour. “The extent to which the rule will help combat forced marriage and the countervailing extent to which it will disrupt the lives of innocent couples adversely affected by it is largely a matter of judgement” – Lord Brown points out. “Unless demonstrably wrong, this judgement should be rather for government than for the courts” – the judge adds.

The Court’s ruling echoes many of the issues raised by scholars and activists with regard to the introduction of a higher legal age for transnational unions in particular, and the disproportionate focus of British forced marriage policies on the overseas dimension of the practice. By promoting the notion that the most effective way of reducing the incidence of forced marriage is to reduce the number of people marrying overseas spouses (Phillips & Dustin 2004, 24), immigration legislation implicitly treats forced marriage as a practice “imported” by foreign cultures – labelling entire cultures, rather than specific cultural traditions, as backward. By doing so, over the past few years legislative changes in the field of immigration have contributed to the development of two similar, yet not identical, national discourses on forced marriage. On the one hand, an official political rhetoric frames the practice as the result of backward cultural traditions – as suggested by the report *A Choice by Right* (Home Office 2000, 14). On the other hand, a legislative discourse conceptualizes forced marriage as “imported” by foreign cultures, requiring the use of stricter immigration controls targeting entire cultures – rather than specific cultural traditions.

For these reasons, it seems that policies emerging from British multiculturalism, intended to prevent forced unions by tackling backward

cultural traditions through stricter immigration controls, may lead in practice to a perverse effect, producing outcomes contrary to those intended (Hirschman 2003, 36; Sieber 1981). By introducing controls which are discriminatory towards all immigrants who intend to get married and disproportionately affect British citizens of immigrant origin (who are more likely to marry foreign spouses), these measures risk undermining - rather than enhancing - the freedom of choice in marriage of young people in ethnic minority communities.

(3) Legislative Tools and Prevention

With regard to the legislative tools available to prevent and limit forced marriage, *A Choice by Right* made clear that, despite existing laws strong enough to tackle the problem, changes were needed in assisting the victims. In particular, the Working Group found that “the needs of victims of forced marriage often extend far beyond their immediate situation” (Home Office 2000, 18). Thus, “consideration should be given to the long-term needs of individuals as well as their immediate circumstances” (Home Office 2000, 18).

The need for a holistic approach was clear not only in the requests for support to victims, but also in the importance attributed by the report – at least rhetorically – to prevention initiatives. Working Group participants stressed the urgency to tackle the “lack of awareness and understanding of individuals’ rights – both legal and religious – relating to marriage”, as well as of the consequences of forced marriage (Home Office 2000, 20). To this end, “young people, their parents and families need to be educated about these rights and a dialogue needs to be facilitated between young people and their elders about their different expectations” (Home Office 2000, 20). Additionally, the report insisted on “the importance of the role of opinion formers [such as community and religious leaders, local and national politicians, and women’s groups] in developing an understanding of the right to choose” (Home Office 2000, 20). Too often, the report claims, “many of these opinion formers have failed to speak out against

forced marriage because it was seen as a ‘taboo’ subject” (Home Office 2000, 20).

Similarly, the Working Group stressed the urgency for social service providers to observe cultural sensitivity without being reluctant to act in “community affairs” (Home Office 2000, 21). “Victims of forced marriage” – the report argues – “have the same rights to access services as anyone else, irrespective of their cultural background. Law and human rights instruments define the boundaries of acceptable behaviour. Professionals must feel empowered to act” (Home Office 2000, 21) – both in terms of prevention and in terms of victim support. Echoing the debate on British multiculturalism, the report advocated for cultural sensitivity intended as an issue of competent practice, rather than a synonymous for non-interfering with what could erroneously be perceived as internal affairs of ethnic minority communities. As the chapter on British local policies will show, in practice there is a striking contrast between a national rhetoric presenting the efforts against forced unions as a major political priority on the one hand, and the very limited power and financial resources provided to sub-national authorities to implement national guidelines on forced marriage prevention.

(4) Cultural Mediation

Aiming at “reconciling” victims of forced marriage with their families, mediation proved to be one of the most controversial issues discussed during the preparatory works of the *A Choice by Right* report - to the extent that one of the two Asian women’s organizations which had joined the Working Group, Southall Black Sisters (SBS), left due to disagreements on this topic. Fearing that the safety of ethnic minority women could not be monitored or guaranteed when they returned to their homes, SBS resigned from the Group when this insisted on offering mediation as options to women at risk of/involved in forced marriage (Southall Black Sisters 2001, 12-13).

The final official position taken by the Working Group on mediation reflected the beliefs of some members of the Working Group – including representatives of religious organizations – which did not share Mike O’Brien’s (the Home Office minister who had set up the Working Group in the first place) vision of a “mature multiculturalism”. Such a vision demanded that violence against women and other oppressive restrictions on women needed to be understood as abuses and violations of women’s fundamental human rights, irrespective of the cultural or religious contexts in which they occur. On the contrary, those members in favour of mediation opted for a softer approach to forced marriage, focused on “changing social and cultural attitudes through public education led by community and religious leaders”, advocating for “mediation between the victim and the family (...) as a legitimate option [to tackle forced marriage]” (Patel & Siddiqui 2010, 106).

Reflecting the conflicting perspectives held by the Working Group participants, the report argued - in a slightly ambivalent way - that “victims should be able to access mediation as a means of conflict resolution if they wish to do so. (...) Mediation services should only be provided where there are professional guidelines and a code of conduct, and only staff specifically trained in mediation skills should undertake this work” (Home Office 2000, 19). This position was far from being left uncontested by ethnic minority women’s groups. In the report published by SBS to mark the first anniversary of the Working Group Forced Marriage report, the women’s group questions the application of a double standard, where mediation was promoted by the Home Office for women facing a forced marriage but not for those experiencing domestic violence in the wider community (Southall Black Sisters 2001, 13). According to SBS, the reason for endorsing mediation is related more to the necessity of “appeasing community and religious leaders, and the more conservative elements within the community” (Southall Black Sisters 2001, 13), as mediation and reconciliation are “less threatening option[s] to women and girls than leaving home, prosecuting or taking out injunctions against their families” (Southall Black Sisters 2001, 13).

Over the following years, the publication of guidelines for professionals dealing with forced marriage has implicitly showed a lessening of the ideological distance between the government and SBS with regard to the evaluation of cultural mediation. Such guidelines present an increased appreciation within the government of the risks represented by involving families and/or communities in forced marriage cases. Starting with the publication of guidelines for the police in 2002, the Forced Marriage Unit has subsequently published similar guidelines for social workers (2004), education professionals (2005), and health professionals (2007). More recently, multi-agency statutory guidelines for senior management (2008) and practice guidelines for front-line professionals have also been published (2009). In 2004, in particular, the guidelines for Social Workers openly stated the importance of not including families or communities unless expressly required by the victim (Foreign & Commonwealth Office et al. 2004). These guidelines represent an essential step in the efforts to curb forced unions, as they aim to advise professionals on the appropriate steps to take when they suspect that a client, student or patient is at risk, or is a victim, of forced marriage.

However, as noted by Pragna Patel and Hannana Siddiqui on the basis of their experience working at Southall Black Sisters, the implementation and enforcement of such guidelines in a way that prevents “an indifferent or cultural relativist approach by agencies (...) has proved more difficult” (Patel & Siddiqui 2010, 107). Many front-line practitioners are still reluctant to engage in efforts to tackle forced unions, both because of the desire not to interfere in what too often are perceived as community “internal” affairs, or because of the lack of adequate training/resources.

(5) A Multi-Agency Approach

Despite disagreement on specific issues, the relationship of the Working Group with community-based organizations in general, and women’s group in particular, has been one of mutual cooperation and productive collaboration (Home Office 2000, 22). As acknowledged in the report,

“the most effective services have been delivered by community-based organisations, notably women’s groups” (Home Office 2000, 22), which had been working on issues related to forced unions for two decades prior the publication of *A Choice by Right*.

Often poorly funded and lacking support from traditional community institutions, such services are seen by women “to be non-judgmental and understanding, and far more accessible due to reasons of gender, language or culture. Some services provided from a religious perspective were also found to be valuable by many women” (Home Office 2000, 22). Thus, the report recommended that “[social] services need to identify these groups and build relationships with them”, as “developing links between Government, service providers and community-based women’s groups is essential to unlocking the potential of these organisations” (Home Office 2000, 22).

The role of community and women’s groups is confirmed by the emphasis on the importance of a multi-agency approach, considered “essential to making a real difference” (Home Office 2000, 22). Such an approach is intended to include community and women’s organisations through a whole range of local and national multi-agency structures – for example, domestic violence and child protection forums – as well as forums with broader remits, such as the crime and disorder reduction partnerships (Home Office 2000, 22).

The role of multi-agency work in the efforts against forced marriage is the last of the five key themes underlying the Working Group report analysed in this study. Together, these themes help deconstruct the sometimes conflicting perspectives which have contributed to the formation of the British policy against forced marriage in its early years. By doing so, such themes show that - far from being a solid block – the government’s approach to forced marriage is the product of evolving configurations of actors, their beliefs and subsequent policy priorities. Additionally, public initiatives have been informed over the past decade by important scholarly contributions and by a growing network of experts in the field of forced marriage and honour crimes.

As the debate on the criminalization of the practice will show later in the chapter, British policies against forced unions are still undergoing important changes. However, one element stays constant – namely, the ways in which the practice of forced marriage is conceptualized by British public authorities. Since the publication of the Working Group report, the government has tended to interpret forced marriage as a product of “backward” cultural traditions, rather than the result of underlying discriminatory gender relations (as in the case of France).

Not only such conceptualization has remained largely unchanged – it has actually been reinforced by its link to the debate over immigrants’ incorporation. The persistence of forced marriage is often presented by opponents of multiculturalism as a clear-cut example of the contrast between British liberal values and oppressive cultural traditions brought to Britain by immigrant minorities. As Enright suggests, a remarkable example to this regard is provided by former Prime Minister Tony Blair’s mention of forced marriage as an “unacceptable challenge to the shared British values of “equality of respect and treatment for all citizens”” in his 2006 *Speech on Multiculturalism and Integration* (quoted in Enright 2009, 337). More recently, the link between an increasingly strict immigration agenda and the efforts tackling forced marriage has been strengthened by the remarks made by Prime Minister David Cameron during a speech at the Institute for Government in London in 2011.¹⁷ Despite drawing a clear distinction between sham and forced unions, the British Prime Minister has devoted special attention to the issue – and its possible criminalization - in a speech entirely devoted to discuss immigration issues.

According to Gill and Mitra-Kahn (2010), the ways in which the government has framed the issue of forced marriage in policy discourse is indeed strictly related to the request for stricter immigration controls, whether via age limits or language requirements. “The community cohesion paradigm (...) has added an ethnic and religious dimension to how [forced marriage] is constructed” (Gill & Mitra-Kahn 2010, 136).

¹⁷ Speech held at the Institute for Government on 10th October 2011:
<<http://www.number10.gov.uk/news/prime-ministers-speech-on-immigration/>>

Current government framings – the authors argue - encourage an understanding of the phenomenon “not as a problem arising from patriarchal practices, but as an expression of “bad” cultural practices originating in *Othered* places – predominantly the Indian sub-continent – and perpetrated by *Othered* men on British soil” (Gill & Mitra-Kahn 2010, 136). Such an approach to the practice implicitly justifies the adoption of policy solutions centred on stricter immigration controls. Based on such considerations, Gill and Mitra-Kahn claim that the victim-centred approach of the Forced Marriage (Civil Protection) Act “is merely a rhetorical tool designed to efface what is, in reality, a measure designed to police borders and manage migration” (Gill & Mitra-Kahn 2010, 135). Through the analysis of the Supporting People Programme, the following section intends to show the interaction between the use of a cultural lens to interpret forced marriage and the changing nature of the British approach to immigrants’ incorporation.

Supporting People (SP) Programme (2003)

There continued to be an active debate on forced unions and a growing concern over the years which followed the publication of *A Choice by Right* (Home Office 2000). In the summer of 2001, a series of violent confrontations initiated by racist gangs against Asian areas in northern England led to the worst riots in England since 1981. Within a few months of such episodes, the terrorist attacks of 9/11 took place. According to Amrit Wilson, this convergence of events provided “the ideal launching pad for government policies which were already in the making – policies which would justify a more authoritarian state and implement systematic exclusion in line with a neoliberal economic agenda” (Wilson 2010, 66). Although Wilson does not explicitly define the concept of “authoritarian” state, in this context the expression seems to refer to a state using the fight against women’s oppression to legitimize stricter immigration controls, and policing and surveillance of minority communities. “Within this ideological and economic framework” – Wilson continues – “came the restructuring of a number of welfare

services” (Wilson 2010, 67), which proved to have relevant consequences on forced marriage prevention and victim support activities.

It is within such a conceptual framework that many observers from the non-governmental sector have interpreted – to varying degrees - the Supporting People (SP) programme for local government, which local authorities use to pay for housing support related services. Established in 2003, the programme is a government funded initiative, until recently ring-fenced. It requires local authorities to provide housing related support, thus enabling people with a specified and assessed need to live independently in their own accommodation. By replacing the rights-based funding system with a centralized funding mechanism under the auspices of the local authority, the programme requires refuges to bid against competing organizations for funding. As larger generic services are more likely to win bids (as they prove to be more able to offer lower unit costs than specialized services for minority women), this process has resulted in the reduction or closure of specialist services such as refuges, or their merging with mainstream organizations (Enright 2009, 349-50).

Granted by the government a budget totalling £2.043 million in 2009, in 2010 the programme has had its funding cut by 11.5 per cent. In addition, starting from 2009/2010, the government has decided that the programme will no longer be ring-fenced. As declared by a 2009 House of Commons report on the issue, “funds nominally granted for Supporting People services may now be spent by local authorities as they wish. This is intended to bring about greater flexibility for local areas in delivering their own priorities for housing-related support and wider welfare and other services” (House of Commons 2009, 68). As a result of this decision, interviews with several NGO workers have suggested that there are fears that - as local government will no longer have to account for how its expenditure is supporting the most vulnerable - councils will make bigger cuts as other resources are reduced.

According to NGO staffers, the SP programme has had enormous consequences on the lives of victims or those at risk of forced marriage.

As Shaminder Ubhi - director of Ashiana, an East-London charity offering safe housing to victims of forced unions – noted during a symposium on forced marriage held in London in 2010, “the sense of guilt, shame and isolation experienced by forced marriage victims requires the provision of specialist services”.¹⁸ By ignoring the specific needs of ethnic minority people (such as the need for interpreters, as well as greater advocacy and outreach activities), the Supporting People programme is endangering the very existence of forced marriage victims as it denies them access to safety (Wilson 2010, 67; Gill 2008). Additionally, specialist services offer a specific kind of psychological support which is often not available in general service providers: as Ubhi argues, “seeing other women sharing the same experience is definitely a plus in terms of support”.¹⁹

To a certain extent, the government has acknowledged some of the shortcomings of the programme. As stated in the House of Commons report on the SP programme in 2009, “the evidence we received indicated that there are some major issues in “keeping people that need services at the heart of the programme” which remain unresolved. For some witnesses, there is a sense that the needs of certain service users are being “lost’ within the needs of the wider client group.” For others, this failure is more sweeping, with witnesses identifying a fundamental lack of service user empowerment and involvement in the delivery of the Programme across the board” (House of Commons 2009, 7).

SP Programme and the Community Cohesion Agenda

According to Amrit Wilson, the underlying rationale of such policies seems to be inspired by a “US-style welfare provision”, an expression which seems to be used to refer to a system where there is no room – neither ideologically nor financially – to address the special needs of vulnerable people (Wilson 2010, 69). Whatever the rationale behind such

¹⁸ Interview held in London on 25th May 2010 over the course of the Public Policy Exchange Symposium Working in *Partnership to Safeguard Young People: Preventing Forced Marriage* with Shaminder Ubhi, director of Ashiana.

¹⁹ *Ibid.*

programme may be, the trend towards generalist, cheaper services is confirmed by the evidence gathered over the course of interviews held with local service providers in London and Birmingham for the purpose of this study. Programmes such as the SP initiative, Wilson argues, seem to be implicitly considering the withdrawal of the state as a tool to empower individuals – even if by doing so their survival is threatened (Wilson 2010, 69). To substantiate her claims, Wilson stresses the contradiction between an official rhetoric “concerned about South Asian women’s lives being endangered by forced marriage and honour killings”, and the funding cuts affecting “the very organizations and services which support South Asian women” (Wilson 2010, 69; Gill 2008). The lack of National Indicators on domestic violence (except for the one on repeated violence) - on which Local Authorities should report - further confirms the disconnection between official rhetoric and policy practice (Wilson 2010, 68-9).

To better understand the rationale identified by Amrit Wilson (2010), it is necessary to consider the SP programme within the broader government’s strategy aiming at promoting a “community cohesion” agenda. The SP Programme is consistent with the recommendations made in the final report of the Commission on Integration and Cohesion, *Our Shared Future*, which states that the local authority single group funding (intended as that awarded on the basis of a particular identity, such as ethnic, religious or cultural) “should be the exception rather than the rule” (Commission on Integration and Cohesion 2007, 161).

The origins of such an agenda are strongly interrelated to the on-going transition from multiculturalism to “multifaithism” in Britain. Following the publication of the Cantle report (2001) on the segregation of Muslim communities in the UK (and of the Burnley, Oldham, and John Denham reports following the riots in Northern England), the fragmentation characterizing Britain’s social fabric has been primarily defined by public authorities in terms of lack of community cohesion – term used by the Cantle report to refer to common values and purpose in society, including a sense of belonging and solidarity for people from diverse backgrounds

(Cantle report 2001). Public rhetoric has often stressed the negative implications of the alleged cultural clash between the British majority and minority communities amongst the causes of this outcome, while setting aside the effects of other factors, such as racial and religious discrimination, and economic exclusion (Enright 2009, 335).

As Nira Yuval-Davis has argued over the course of an interview, quoting the expression first used by Trevor Phillips, “the so-called solution found for this has been to call for the ‘death of multiculturalism’” (SEN 2009, 134). According to Yuval-Davis, “faith is now more or less the only legitimate signifier of difference and pluralism in the nation” (SEN 2009, 134). This view is echoed by Pragna Patel and Hannana Siddiqui of Southall Black Sisters (Patel & Siddiqui 2010), who claim that “at the heart of the cohesion agenda (...) lies the promotion of a notion of integration based on the assumption that organizing around race and ethnicity encourages segregation”, while simultaneously encouraging “segregation on the basis of religious identity” (Patel & Siddiqui 2010, 116).

It should be noted that, while the cohesion agenda interprets faith as the only legitimised difference amongst communities across the nation, it also advocates for a somehow assimilationist focus on minority communities in order to favour the integration of such groups, especially the Muslim ones. Despite these assimilationist tendencies, however, the cohesion project does not imply rejecting *in toto* normative multiculturalism. On the contrary, it is intended as a tool to deal with issues arising from cultural difference, rather than a device to eliminate cultural identities (Enright 2009, 336). Within such a framework, the persistence of forced marriage is presented as a clear-cut example of the contrast between British liberal values and oppressive traditional cultural values. In this context British values are intended not in any ethnic or nationalist sense – rather, as “universal values, dethnicized values such as respect for human rights, tolerance for religious diversity, a commitment to gender equality and adherence to the rule of law” (Enright 2009, 338; Joppke 2004).

According to Enright (2009), the government's strategy to tackle forced unions attributes particular importance to women, whose role as mothers and wives is perceived to be central in either preserving or weakening the notion of nationhood (Enright 2009, 337). More specifically, in the context of the on-going shift from multiculturalism to multi-faithism, Patel and Siddiqui argue, the government's strategy seems to be based on "a dual and contradictory approach" to women in ethnic minority communities (Patel & Siddiqui 2010, 102). While tackling forced marriage as a subset of violence against women, government's policies are simultaneously reinforcing gender inequality by emphasizing the importance of a faith-based approach to minority communities which constrains the public space available for women to mobilise around a rights-based agenda (Thiara & Gill 2010, 20; Patel & Siddiqui 2010, 102). As Wilson (2010) shows, at a local level this translates into the support offered by the Government to those women's groups aiming to empower Muslim women by giving them a "stronger voice (...)" - as suggested by the Department of Communities and Local Government (Department of Communities and Local Government 2008b, in Wilson 2010, 73). Such groups are set up while specialist services for ethnic minority women facing domestic violence are being shut down (Wilson 2010, 73).

The women's group Southall Black Sisters has strongly criticized this new approach to women's rights in ethnic minority communities. The London-based organization has famously challenged a funding decision of Ealing Borough Council, which – consistent with the SP recommendations - had ceased its sponsorship arrangements with individual domestic violence centres in order to commission borough-wide services to ethnic minority women. The High Court ruled that Ealing Council's proposals to move away from funding particular organisations such as Southall Black Sisters towards commissioning services following a competitive bidding exercise was unlawful; that "there is no dichotomy between the promotion of equality and cohesion and the provision of

specialist services to an ethnic minority”;²⁰ and that “specialist services for a racial minority from a specialist source is anti-discriminatory and furthers the objectives of equality and cohesion”.²¹ According to SBS, the battle over the funding decision of Ealing Council shows the contradictions inherent to the SP programme: while Ealing Council was withdrawing money from SBS and its work supporting ethnic minority women, it funded over a dozen programmes specific for Muslims under the multi-faithism agenda (SEN 2009, 134). Despite the High Court ruling has set out the principles which should apply to cases of this type, it is to be seen in what ways the new Conservative government will interpret the cohesion agenda – whether to justify further cuts in funding for specialist services providers such as Southall Black Sisters, and if so, to what extent.

Criminalizing Forced Marriage?

The previous section has shown – through the analysis of a case study - the impact of the evolution of the British model of immigrants’ incorporation on ethnic minority women victims (or at risk) of forced marriage. It has also shown how, within the Community Cohesion framework, the persistence of forced marriage is presented by British public authorities as the legacy of oppressive traditional cultural values - which stand in sharp contrast with British liberal values.

Similarly to the Supporting People Programme, the criminalization of the practice of forced marriage has been another issue able to stir controversies amongst policy-makers and activists. In 2004, whilst the Domestic Violence, Crime and Victims Act was being considered by Parliament, the government agreed to run a consultation on whether to institute a criminal law ban on forced marriages. In September 2005, a three-month public consultation was launched. While senior police

²⁰ *Kaur and Shah, R v London Borough of Ealing* 2008, paragraph 55:
<[http://www.publiclawproject.org.uk/documents/KaurandShahvLondonBoroughofEaling.p](http://www.publiclawproject.org.uk/documents/KaurandShahvLondonBoroughofEaling.pdf)
df>

²¹ *Kaur and Shah, R v London Borough of Ealing* 2008, paragraph 58:
<<http://www.publiclawproject.org.uk/documents/KaurandShahvLondonBoroughofEaling.p>
df>

officers initially supported a new law, the consultation response showed mixed views, leading the Government to announce that it did not intend to present a plan to introduce any new criminal legislation on the subject. In June 2006, the consultation document published by the government – *Forced marriage, a wrong not a right* – showed a narrow majority against the ban (37% against Vs 34% in favour, the remainder being non committal) (Home Office/FCO 2006).

Before proceeding to examine the legislative steps following the dismissal of a criminal ban on forced marriage, it is important to acknowledge the diversity of views characterizing ethnic minority women's organizations. The few ones in support of creating a specific offence – such as the Derby-based NGO Karma Nirvana, or FORWARD - argued that primary legislation could change public opinion, perception and practice and could have a strong deterrent effect, showing families and communities that this practice is wrong and illegal. According to Jasvinder Sanghera, director of Karma Nirvana, “a specific criminal offence is vital to get the message across to communities that forced marriage and “honour”-based violence are unacceptable” (The Times 12/06/2008, 59). It is worth noticing that Sanghera's bestselling memoir, *Shame* (2007), would have played some part in putting the Forced Marriage Bill through Parliament in the following year.

Apart from the availability of existing civil and criminal law solutions, the respondents who felt that the disadvantages of creating new legislation would outweigh the advantages - including women's organizations such as Ashiana and Southall Black Sisters, refuge providers such as Imkaan and Newham Asian Women's Project, as well as academics - feared that the victims could become isolated, that reconciliation of families could be prevented and that forced marriage could be driven underground. More specifically, they argued that the fear that their families risk being prosecuted may stop victims from asking for help; they also warned about the risk that parents may take children abroad and marry them off or hold them there at an earlier age to avoid increased risks of prosecution in Britain.

According to Moira Dustin (2006), a “cross-section of women’s groups led by Southall Black Sisters” feared that the creation of specific legislation could cause racial segregation and create a “minority law”” (Dustin 2006, 12). They did not feel that spending resources on creating specific legislation was justified because money could be more usefully spent on tackling the issue through non-legislative routes - such as working with communities to increase education and awareness around the abuse, and to provide better support for victims and survivors. Overall, women’s groups – whether pro or against a new criminal offence - supported calls on the Government to develop an integrated “joined-up” strategy on violence against women (Dustin 2006, 12), which would be published by the Home Office in November 2009.

The debate over criminalization has recently been reignited by Prime Minister Cameron’s remarks on forced marriage during a speech at the Institute for Government in London on Monday, Oct. 10 2011. After announcing the decision to “criminalise the breach of forced marriage prevention orders”, the Prime Minister unveiled plans to ask “the Home Secretary to consult on making forcing someone to marry an offence in its own right, working closely with those who provide support to women forced into marriage to make sure that such a step would not prevent or hinder them from reporting what has happened to them”.²² Despite its rhetorical impact, it is still too early to fully evaluate the extent to which the Prime Minister’s words represent an effective change in the ways the British government deal with forced marriage. What it is clear, however, it is the intention to link an instrument traditionally used to tackle the domestic dimension of the phenomenon (forced marriage protection orders) to the debate on immigration.

²² Speech on Immigration held at the Institute for Government in London on Monday, Oct. 10 2011:<2011<http://www.number10.gov.uk/news/prime-ministers-speech-on-immigration/>>

Forced Marriage (Civil Protection) Act (2007)

Despite the failure to pass a criminal law ban on forced marriage, by the end of 2006 policy makers were experiencing a growing pressure to adopt specific legislation to strengthen the courts' power to protect the victims of forced marriage. In November 2006 a private member's bill providing civil remedies to assist victims of forced unions was introduced into the House of Lords by a liberal Peer renowned for his Human Rights record, Lord Lester of Herne Hill, and supported by the former President of the Family Division, Baroness Butler-Sloss. The bill – supported also by women's organizations such as Southall Black Sisters - was subsequently replaced by Government amendments. It came into force as the Forced Marriage (Civil Protection) Act for England, Wales and Northern Ireland in November 2008 as a new Part 4A in the Family Law Act 1996 - two years after its introduction and five months after the publication of the Home Affairs Select Committee report *Domestic Violence, Forced Marriage and "Honour"-Based Violence* (House of Commons 2008). The goal of the Act was multifaceted. On the one hand, it aimed to provide civil protection for vulnerable people threatened with forced marriage, as well as providing measures to the courts to prevent forced marriage from occurring in the first place. On the other hand, it intended to send a clear message to all communities that forced marriage will not be tolerated.

In comparison to a criminal ban, a civil law – as argued by Gill and Mitra-Kahn (2010) - encourages a more “victim-friendly” approach than criminal law, enabling the victim (or someone in his/her behalf) to initiate legal action, rather than the state (Gill & Mitra-Kahn 2010, 132). As noted by the authors, the Act addresses issues previously ignored by British legislation, providing civil remedies and protection of victims and potential victims (Gill & Mitra-Kahn 2010, 133). It also significantly simplifies the services available to victims of forced marriage, while simultaneously tailoring to the needs of such people. Rather than focusing on the punishment of the perpetrator, the solutions offered by the Act focus on forced marriage prevention and the protection of the victim –

especially through the “injunction” – “an order made by the Court prohibiting certain acts that may lead to a forced marriage” (Gill & Mitra-Kahn 2010, 134).

However, it should be mentioned, as suggested by Cris McCurley - a Trustee at Karma Nirvana and a specialist in family law who provides forced marriage training to frontline professionals - that civil measures (such as the principle of wardship) were already available within the context of British family law.²³ Similarly, Amrit Wilson has pointed out that the real problem with regard to forced marriage was not as much the lack of an ad hoc law, but the fact that existing laws (such as those concerning domestic violence and abduction) were not effectively used by the institutions responsible for their implementation in cases involving forced unions.²⁴ By introducing new legislation, Wilson argues, the government offered a very ambiguous definition of forced marriage in a law which is not always easily accessible by victims, while simultaneously encouraging stereotyping of the South Asian community.²⁵ On the one hand, a law exclusively devoted to forced marriage risks obscuring the nature of the practice as a form of violence against women, essentializing the communities in which it takes place. On the other hand, the persistence of the “no-recourse to public funds rule” – which denies welfare benefits to non-UK residents, including foreign spouses trapped in a forced marriage - prevents many women in need from obtaining accommodation or financial support, thereby contradicting the allegedly victim-centred approach promoted by the adoption of civil remedies.²⁶

Despite the potential validity of such considerations, the Act - Enright argues (2009) – represent an innovative solution to favour exiting from an

²³ Interview held in London on 25th May 2010 over the course of the Public Policy Exchange Symposium Working in *Partnership to Safeguard Young People: Preventing Forced Marriage* with Cris McCurley, family law specialist.

²⁴ Interview held in London on 28th January 2010 with writer and political activist Dr. Amrit Wilson

²⁵ *Ibid.*

²⁶ *Ibid.*

unwanted union while facing culturally specific concerns (Enright 2009, 343). To do so, it expands courts' jurisdiction to prevent forced unions from taking place by granting forced marriage protection orders (FMPOs) - which limit the conduct of people who are attempting to coerce someone into marriage. Courts can make orders also against third persons involved in the forced marriage in other respects. The court may make a forced marriage protection order on an application being made to it; and under certain conditions also without an application being made to it.

By providing that "a relevant third party" (RTP) may apply to the court for an order on behalf of a victim or potential victim of forced marriage, the law makes easier the process of getting an order in those cases where the victim is unable to apply (because taken abroad or confined to the home), or feels unable to do so (because of fear and/or intimidation).

Significantly, a RTP may apply for a FMPO without the knowledge or consent of the person to be protected. The Lord Chancellor has the power to decide who the relevant third party will be.

Under the current legislation, Local Authorities are able to act as RTPs for adults and children. It remains to be seen how effectively these powers are interpreted in practice. The capacity of Local Authorities to comply with such a responsibility effectively will depend on a number of variables – such as "the resources available to local authorities, their skills and experience (...) and their accessibility to victims" (Enright 2009, 344). To this date the Act seems to have performed relatively well. According to the data collected by the Ministry of Justice, more FMPOs had been issued than expected in the first year since the Act came into force – 96, as compared to a predicted total of 50 (Ministry of Justice 2011; 2009). In 2010, 116 applications were submitted and 149 protection orders were made (the number of orders exceeding the number of applications as sometimes an FMPO is made within the context of other family orders, and because there is no distinction between interim and final orders) (Ministry of Justice 2011, 47). Of the 149 FMPO made in 2010, 26 were requested by a relevant third party (i.e. local authorities), and 40 by other third parties (such as police, family, friends, or the voluntary sector) (Ministry of Justice 2011, 57). Even though it is not clear yet where the

applications have been submitted exactly, the area of Birmingham seems to have been particularly active in this field.²⁷

The courts have wide discretion in the type of injunctions they can make to enable them to respond effectively to the individual circumstances of the case and prevent or pre-empt forced marriages from occurring.

According to Usha Sood, a barrister and activist with decade-long experience in the field of forced marriage, judges are proving to be well trained in the use of FMPOs, even though there is no training or best practices guidance with respect to the conduct of trials and the protection of victims and their families.²⁸ Indeed, the lack of appropriate training for front-line professionals – such as judges, police officers, health practitioners and educational professionals - was identified by the 2008 Home Affairs Select Committee report (House of Commons 2008, 7) as one of the key challenges in the eradication of forced unions.

Another relevant challenge is constituted by the evidential difficulty often encountered by courts, which represents an obstacle for the full and effective application of the Act. It is often difficult for courts to interpret signs which might be symptoms of a forced marriage (or of its threat), but which are highly culture-specific. Thus, NGOs such as Imkaan have been advocating for an increase in the use of so-called cultural experts – namely, specialists with a solid understanding of the practice of forced marriage *and* of the specific ethno-cultural context of the victim and his/her family.²⁹

Overall – as suggested by Cris McCurley - the Forced Marriage (Civil Protection) Act is very wide in its nature, “a work in progress, a living document” - reflecting the time pressure under which it was produced and

²⁷ Interview held via phone on 9th May, 2011 with Birmingham’s Violence against Women Strategic Lead Paula Harding.

²⁸ Interview held in London on 25th May 2010 over the course of the Public Policy Exchange Symposium Working in *Partnership to Safeguard Young People: Preventing Forced Marriage* with barrister Usha Sood.

²⁹ Interview held in London on 25th May 2010 over the course of the Public Policy Exchange Symposium Working in *Partnership to Safeguard Young People: Preventing Forced Marriage* with Marai Larai, director of Imkaan.

the awareness of the need for future changes.³⁰ While the Act will not in itself change attitudes, it does offer legal protection to potential victims, and perpetrators who violate the terms of a forced marriage protection order may be arrested. Additionally, in order to better direct practitioners in the application of the Act, in November 2008 the government issued statutory guidance – *The right to choose: multiagency statutory guidance for dealing with forced marriage* - for chief executives and managers of relevant agencies to coincide with the implementation of the Act (Foreign Commonwealth Office et al. 2008). The guidance sets out the functions that statutory agencies must set out in case of forced marriage. The Act also requires agencies to have due regard for these guidelines – as putting them on a statutory footing makes the agencies liable for failing to implement them. In June of the following year, non-statutory guidelines for frontline workers were published (Foreign Commonwealth Office et al. 2009). Yet, despite proving to take into some account the cultural factors contributing to the practice, the Forced Marriage (Civil Protection) Act and related guidelines fail to position the discourse of forced marriage into the broader context of issues of violence against women, leaving many women's organizations dissatisfied (Gill & Mitra-Kahn 2010, 132).

4.2 ANALYSIS OF POLICY INSTRUMENTS

As the analysis of the policy measures and legislative initiatives adopted in the UK over the past ten years has shown, it is undeniable that since 1999 there has been an increasing recognition within the British government of the needs of young people at risk of forced marriage. Yet, it is difficult to judge the effectiveness of such measures in tackling forced unions because of the lack of national monitoring and reliable statistics. In addition, while forced unions have been receiving the attention of the Foreign and Commonwealth Office, the work on the field has remained patchy and poorly planned (City University's Centre for Child and Family Law Reform, 2010). This is especially true in the case

³⁰ Interview held in London on 25th May 2010 over the course of the Public Policy Exchange Symposium Working in *Partnership to Safeguard Young People: Preventing Forced Marriage* with Cris McCurley, family law specialist.

of prevention initiatives, which remain rare and under-resourced – even though several official policy documents have recognized, over the last decade, the central role played by prevention in the eradication of forced marriage (Foreign and Commonwealth Office 2005; House of Commons 2008; Foreign and Commonwealth Office et al. 2008, 2009). Due to its very limited budget (£88,000 per year as of 2009), even the Forced Marriage Unit – supposed to be at the forefront of forced marriage prevention – is not able to sponsor more than five or six small projects each year. At the local level, the lack of National Indicators concerning forced marriage and/or domestic violence (except for that on repeated violence) renders any spending in these areas dependent on the willingness of Local Authorities (LAs). While a more detailed analysis of prevention initiatives undertaken by LAs will be discussed in the next chapter, the following sections intend to provide a general overview of the key policy tools and preferred policy instruments adopted by British authorities to prevent forced marriage outside of the educational sphere.

Forced Marriage Unit (FMU)

The conceptualization of forced marriage mainly as a specific cultural practice – rather than exclusively as a form of violence against women - has contributed to the adoption of a set of policy instruments designed to tackle the practice by either controlling cultural pressures at the point of marriage, or by discouraging transnational marriages through the implementation of restrictive immigration measures. Most notably, such conceptualization has led to the creation of an ad hoc policy tool, intended as an institution devoted exclusively to tackle forced unions: the Forced Marriage Unit (FMU).

In January 2005 the Community Liaison Office at the Foreign Office was re-launched as the joint Home Office and Foreign Office Forced Marriage Unit (FMU) – although the physical location of the Unit, as well as its website, are still with the Foreign and Commonwealth Office (FCO). The Unit represents an innovative approach to forced marriage, being at the forefront of Western European governments' attempts to tackle the

phenomenon. Working closely with a wide range of NGOs, the FMU is intended to provide support to people victims or at risk of forced marriage by providing referral and information through its website, including a *Survivors Handbook* published in May 2007.

As explained by the Head of the FMU, Olaf Henricson-Bell, in 2009 the Unit offered advice or support in 1,682 cases – 86 per cent of which involved women.³¹ Internationally, it has proved successful in rescuing victims of forced unions under the lead of the Foreign and Commonwealth Office. In 2009, Henricson-Bell adds, British High Commissions/Embassies in cooperation with the FMU provided consular assistance in 168 cases relating to forced marriage overseas. This has constituted the core of its work.³² Domestically, the Unit has largely focused on directing victims and people at risk of forced marriage to alternative safe accommodations – whether in refuges, council flats or housing associations. The FMU is also committed to raise understanding of forced marriage amongst key professionals (notably educators, social workers, as well as health and police officers), and to promote multi-agency cooperation whilst working with local communities to create effective local partnerships against the abuse (Foreign and Commonwealth Office 2005). To this goal, the FMU held about 800 events in 2009.³³

In addition, the Forced Marriage Unit conducts prevention outreach initiatives and implemented projects intended to raise awareness as well as provide support to victims. In June 2008, the Department for Children, Schools and Families (DCSF) worked together with the FMU in order to provide materials to schools aimed at raising awareness for forced marriage as part of *Every Child Matters* campaign. This outreach activity, despite being essential in the prevention of forced unions, is done on an ad hoc basis – in the sense that material (about 1,000-1,500 leaflets and 200 posters per week) is distributed upon requests from individual schools

³¹ Interview held in London on 8th March 2010 with Olaf Henricson-Bell, Head of Forced Marriage Unit

³² *Ibid.*

³³ *Ibid.*

and/or teachers and local bureaucrats working in local agencies.³⁴ There is no criterion adopted to select schools at risk, and no role for the FMU to proactively encourage schools to get involved.

According to its director, community-led work sponsored by the FMU – despite critical – is quite scarce at the moment due to the lack of financial resources. Created with a budget of about £45,000 in 2008, in 2009 the FMU's Domestic Programme Fund operated with an increased budget of £88,000.³⁵ The Fund aims to provide financial resources to partner agencies for small projects in the UK to achieve key objectives underlined in the FMU's two year Action Plan. Yet, at the moment it has too small of a budget (and granted on a yearly basis only) to have any significant long-term impact. FMU funding is strictly limited to the timeframe of the project's activity, and it is not designed to provide any core funding to organisations. As a result, it can only fund short-term projects, failing to encourage the creation of long-term prevention strategies. Thus, despite the recognition that community-led initiatives are essential for local groups to engage more actively in the eradication of forced marriage, the scarcity of funding makes unlikely any increase in FMU local-level engagement in the near future. Finally, the Unit has led government policy on forced marriage across different departments – for instance by organizing consultations on criminalization, or providing statutory guidelines for senior management in 2008.

Immigration Controls (1): Raising the Age

The government's emphasis on controlling the "overseas" dimension of forced marriage, suggested by the early years of activity of the Forced Marriage Unit, is confirmed by the analysis of the first set of key policy instruments adopted by British public authorities – namely, immigration regulation. Indeed, despite official rhetoric reiterating the importance to approach the eradication of forced marriage from a human rights

³⁴ *Ibid.*

³⁵ *Ibid.*

perspective, in practice prevention policies – until the Forced Marriage (Civil Protection) Act - focused almost exclusively on the transnational dimension of the phenomenon, doing little for domestic cases. Even after the introduction of the 2007 Act to handle domestic cases, prevention seems to gain political relevance only insofar as it is related to the control of immigration flows.

Such an approach is consistent with the way in which the fight against forced marriage was first framed by the *A Choice by Right* report in 2000. In its foreword, the chairs of the Forced Marriage Working group – Baroness Uddin and Lord Ahmed of Rotherham – sympathize with parents of immigrant origin, and “the innate sense of obligation” these face “to maintain our cultures, languages and traditions” (Home Office 2000, 2). As suggested by Enright, “the overwhelming impression [offered by the report] is of forced marriage as the problem of a foreign culture imported by immigrant parents and husbands”, represented as importers of “bad” cultural norms (Enright 2009, 338-339).

Simultaneously, such a framing of the practice implies an interpretation of violence against ethnic minority women by ethnic minority men as “purely a matter of culture”, especially the Islamic one – a violence “entirely different from that perpetrated by British men against British women” (Enright 2009, 339). By doing so, culture – rather than discriminating gender relations - is understood as the main cause of violence against ethnic minority women, consistently influencing the selection of policy solutions.

The adoption of immigration regulation to tackle forced marriage has been vigorously opposed by many women’s groups. Southall Black Sisters even suggest that, paradoxically, “it is the relaxation of immigration controls which will help to address the problems of forced marriage, since forced marriage will not be seen as a route to gaining entry to the UK” (Patel & Siddiqui 2010, 111-12). Others, on the contrary, have strenuously advocated the introduction of immigration restrictions – amongst their supporters, politicians such as Ann Cryer MP, and some Asian women’s groups such as Karma Nirvana (Patel &

Siddiqui 2010, 110). Yet, there is no concrete evidence supporting the position that limiting immigration might contribute to prevent forced unions. In particular, research commissioned by the Home Office on the effects of raising the age of marriage to 21 for transnational unions (a policy tool introduced in November 2008) shows that such a measure has no impact on the incidence of forced marriage (Hester et al. 2007; Gangoli & Chantler 2009). On the contrary, members from a wide range of minority communities expressed the concern that raising the age might actually increase the chance for victims to be abducted to a foreign country (Hester et al. 2007, 21). To this date such findings have been deliberately not published by the Home Office (Hester et al. 2008, 1) – tacitly confirming the government’s intention to continue using immigration measures to tackle forced unions despite the uncertainty over the effects of such measures. The recent Supreme Court judgement on the unlawfulness of the November 2008 ruling, however, has reopened the debate on the issue (Supreme Court 2011). The United Nations Committee on the Elimination of Discrimination against Women has also expressed its concern about the UK’s controversial age limit (CEDAW 2008, 7).

Immigration Controls (2): English Language Requirement

Another policy tool for reducing forced unions via tighter immigration controls concerns the introduction – starting from November 2010 - of English language requirements for foreign spouses. As pointed out by Khanum (2008), this could be a helpful tool since many victims of forced marriage are unable to speak English, which reinforces their dependence towards an abusive husband and his family. However, Khanum also notes that such tool should be used “with considerable care and tact” in order not to discriminate against *bona fide* applicants (Khanum 2008, 34-7).

According to Gill and Mitra-Kahn (2010), the request for stricter immigration control – whether via age limits or language requirements - is related to the ways in which the government has framed the issue of

forced marriage in policy discourse. By interpreting the phenomenon not as a problem arising from patriarchal practices, but as an expression of “bad” cultural practices originating abroad, such an approach implicitly justifies the adoption of policy solutions centred on stricter immigration controls - adding an ethnic and religious dimension to the social construction of forced marriage (Gill & Mitra-Kahn 2010, 136). In order to avoid the negative consequences arising from an increased diversity “imported” by immigrants, the knowledge of English among newcomers is considered as an essential step to build a cohesive and integrated community (Commission on Integration and Cohesion 2007, 72). As repeatedly noted by the Commission on Integration and Cohesion in the *Our Shared Future* report, “diversity can have a negative impact on cohesion”, but the dimension of such an impact can be reduced by targeted governmental policies (Commission on Integration and Cohesion 2007, 9, 20, 30).

The tension between the victim-centred approach of the Forced Marriage (Civil Protection) Act and the adoption of stricter immigration regulation is further emphasized by Thiara and Gill (2010). According to these authors, “the conflicting government priorities, of protecting women from [violence] (...) while limiting immigration, continue to deny some abused South Asian women independence and security” (Thiara & Gill 2010, 23). Most notably, the “no-recourse to public funds rule” – which denies welfare benefits to non-UK residents, including foreign spouses trapped in a forced marriage - along with the failure to recognize gender-related persecution, put such women in a vulnerable situation (Sharma & Gill 2009). As shown by Patel and Siddiqui, “these women cannot obtain emergency accommodation or financial support due to the bar on access to public funds, including housing” (Patel & Siddiqui 2010, 112). As a result, they may face severe consequences, such as domestic violence, imprisonment, and death.

By doing so, Gill and Mitra-Kahn argue, the logic behind adopting civil remedies to forced marriage – namely, that it would be a more victim-friendly approach than criminalization - is lost (Gill & Mitra-Khan 2010).

The government's priority in this field – Gill and Mitra-Kahn add - seems to be the management of borders rather than prevention and victim support (Gill & Mitra-Khan 2010, 139), introducing racist elements in the discourse on forced marriage (Wilson 2010, 64). “The linking of forced marriage with the debate on community cohesion has obscured the status of the practice as a form of violence against women, essentializing the communities in which forced marriage takes place” – argues Amrit Wilson.³⁶ “Even before the 2007 Forced Marriage Act” – the scholar and activist continues – “the first step of this process was represented by the elimination of specialist services for ethnic minority women with the creation of the Supporting People Programme”.³⁷ “The roots of this trend” – says Wilson – “date back to the rise of the New Labour in the late 1990s: since then, despite the government's rhetoric, prevention has been wiped out to the advantage of policies confronting “Muslim” patriarchy “imported” by immigrants”.³⁸

Exit Solutions: MARACs

The analysis of the second set of policy instruments favoured by British authorities in the prevention of forced unions – “exit” solutions - shows that, in practice, domestic prevention activities are accompanied by a very narrow interpretation of the right to safety. Indeed, British prevention initiatives seem to focus primarily on the so-called “secondary prevention” (in the form of the provision of safe accommodations) – defined by the World Health Organization (WHO) as those activities reducing the likelihood that the abuse will continue. Conversely, “primary prevention” – intended as those initiatives decreasing the likelihood of abuse ever happening in the first instance – are more rare. “Tertiary prevention”, which seeks, over time, to ameliorate or lessen the harm already done as a result of the abuse, is practically absent.

³⁶ Interview held in London on 28th January, 2010 with writer and political activist Dr. Amrit Wilson.

³⁷ *Ibid.*

³⁸ *Ibid.*

Despite rhetorical claims, the dominant political *mantra* seems to be centred on the idea that young people need to be guided away from their cultures in order to be safe from harmful traditional practices. Such a perspective is consistent with an interpretation of forced marriage as the result of oppressive traditional cultures, rather than discriminatory gender relations. The survivors' manual compiled by Forced Marriage Unit, for instance, provides plenty of exemplar stories of young people who have successfully escaped a forced union by escaping their family and community. As a result, liberty and autonomy are positioned as opposite to anything that is "cultural", framing minority cultures and the liberal majority as belonging to separate and opposite zones, and requiring a duty of exiting one's culture as pre-condition for the acquisition of full autonomy (Enright 2009, 357-9). Despite the government's support the "right to exit" one's culture, current policies fail to question and problematize the discriminatory structures of the receiving society that structurally prevent integration and perpetuate the exclusion of people of immigrant origin (Vasta 2006, 29). By doing so, the state neglects to address the issue of a "right of entry" to a "safe" space within the liberal majority, "implicitly assuming a public sphere "beyond culture" in which all choice is free choice" (Enright 2009, 358-9).

At the centre of the government's strategy fostering young people's right to "exit" lies a new set of institutions named MARACs (Multi-Agency Risk Assessment Conferences). MARACs are police-led multi-agency panels discussing – amongst other issues - high-risk cases of interpersonal or intra-familial abuse. The first MARAC started in Cardiff in 2003 – there are now over 225 across England and Wales (Home Office 2009, 17). MARACs only deal with cases involving people over 18 years old, leaving the ones concerning minors under the authority of Child Protection. Yet, as noted by Davina James-Hanman – director of the now-closed Greater London Domestic Violence Project, and responsible for the implementation of the London Domestic Violence Strategy under then-mayor Ken Livingstone – Child Protection services have proved to

be reluctant to address cases involving people aged from 16 to 18 years old, often leaving the needs of this key age group unaddressed.³⁹ In addition, MARACs – despite proving to be effective in high-risk cases – fail to address low and medium risk cases (Wilson 2010, 72). They ignore issues related to early intervention and primary prevention while prioritising secondary prevention in the form of exit solutions. As pointed out by Aisha Gill during the course of an interview held in February 2010, the notion of “exit” is problematic. In ethnic minority communities this concept is defined by the state in a particular way – requiring the full abandonment of one’s community and cultural background.⁴⁰ According to Gill, this point is of particular relevance, for while it is essential for women to be able to exercise their right to exit, they will not always fit into the frame offered by the state’s unilateral interpretation of what constitute viable exit solutions.⁴¹ Gill’s perspective is shared by Anju Mouj at Imkaan, according to whom “we cannot have an approach which responds only to those women who have the courage to abandon their community: some women do not want to prosecute their families, and they need that choice”.⁴²

The Influence of the British Multicultural Model of Incorporation

In the process of reconstructing the first decade of British policy-making on forced marriage prevention, the chapter has unfolded two key tendencies which have characterized public authorities’ interventions in the UK, and have influenced the choice of policy instruments to tackle forced unions. The first tendency is the multicultural propensity to acknowledge and value ethnic difference in the public sphere. This has translated into a willingness to provide, at least until recently, specialist services targeting victims in ethnic minority communities (Wilson A.

³⁹ Interview held in London on 19th April, 2010 with Davina James-Hanman, Home Office Specialist Advisor to the Violence against Women and Girls (VAWG) Team.

⁴⁰ Interview held in London on 17th February, 2010 with Dr. Aisha Gill (Roehampton University).

⁴¹ *Ibid.*

⁴² Interview held in London on March 8th, 2010 with Anjum Mouj, trainer and information officer at Imkaan.

2007) – in sharp contrast with the preference for generalist services manifested in France.

It has also favoured the introduction of a clear distinction between forced and arranged marriage via the adoption of specific forced marriage legislation and an official definition of the practice (Wilson A. 2007; Dustin & Phillips 2008). This has been encouraged by the adoption of “dialogue” measures (Phillips & Dustin 2004) aimed to include ethnic community leaders’ voices in the government’s efforts against forced marriage - such as the Working Group launched in 1999, which paved the ground to the official definition introduced the following year. Drawing a clear line between acceptable and unacceptable cultural traditions, the British legislator defines forced marriage as “a marriage conducted without the valid consent of both parties, where duress is a factor” (Home Office 2000, 6). Arranged marriages, on the contrary, are not considered a violation of human rights - as the families of both spouses take a leading role in arranging the marriage but the choice whether to accept the arrangement remains with the individuals.

As it will be discussed in the chapters devoted to the French case, in France the distinction between forced and arranged unions is still blurred. While in the UK consultative initiatives have stressed the need to distinguish between these two cultural practices (arranged marriage being a tradition still practiced in many minority communities), the French government has avoided any involvement of ethnic minority communities, declining to draw any official distinction between arranged and forced unions.

Despite being praised by experts and activists alike as a much-needed tool, in the UK the official forced marriage definition is problematic on many levels. On the one hand, as pointed out by Amrit Wilson (2010), it is difficult to apply to real-life cases. While it might be appealing as a theoretical tool, in practice it is extremely challenging to draw the line between arranged and forced unions (Wilson 2010, 62). On the other hand, the focus on the issue of consent – that is, on the “entry” into a forced union - risks leaving unaddressed many of the needs of young

people facing a forced marriage, who may attribute equal importance to exiting a forced union (Chantler et al. 2009, 587).

Where present, the focus on the “right to exit” is narrowly interpreted by British authorities. Aimed at supporting victims *after* the crime has been committed (or a threat made) by helping them escape their family and community, available exit solutions do not address the root causes of forced marriage as a phenomenon. By neglecting “to address the power relations that continue to generate significant numbers of individual cases”, they prove to be less than ideal instruments of prevention (Phillips & Dustin 2004, 27). In addition, rooted in an understanding of forced marriage centred on the issue of consent, exit solutions do not address those situations where poverty and hardship render choice and consent not available. In other words, they do not seem to take into consideration the needs of those women who “are structurally located as the conduit to family survival” (Chantler et al. 2009, 603). Furthermore, as suggested by Enright (2009) and Anitha and Gill (2009), exit solutions leave unaddressed the needs of those women who do not want to, or are not able to, leave their family and community. By focusing on emergency situations, they do not provide adequate measures to act in less threatening, but still dangerous, situations (Enright 2009; Anitha & Gill 2009). Finally, as Ayelet Shachar points out, the “right of exit” fails to promote long-term attitudinal and behavioural change on a large scale, to the advantage of an approach targeting individual cases (Shachar 2001, 41 cited in Phillips & Dustin 2004, 27).

The second tendency peculiar to the British approach is the explicit reference to forced marriage as the product of backward cultural traditions (Dustin & Phillips 2008), “a fossilization of cultural values” practiced by immigrant parents believing “they were upholding the cultural traditions of their home country” (Home Office 2000, 14). The explicit reference to cultural issues is consistent with the multicultural practice to discuss ethno-cultural differences in the public realm. Conversely, it contrasts with the French republican tendency to frame the practice in the broader

context of violence against women, while avoiding – at least officially - any reference to either “culture” or “religion” (Collet & Santelli 2008; Philippe 2010).

The labelling of forced marriage as the result of backward cultural traditions has led British authorities to enact immigration legislation promoting the notion that the most effective way of reducing the incidence of forced marriage is to reduce the number of people marrying overseas spouses (Phillips & Dustin 2004, 24; Wilson A. 2007; Samad & Eade 2002) – implicitly treating forced marriage as a practice “imported” by foreign cultures. From a rhetorical perspective, the increasing reliance on the use of immigration regulation to protect the rights of ethnic minority young people from backward cultural traditions (Anitha & Gill 2009; Enright 2009) has substituted the active promotion of dialogue between the government and ethnic minority communities – which characterized the early years of the efforts against forced marriage.

Far from being an isolated phenomenon, the “culturalist” interpretation of the practice has been influenced by the evolution of the British model of immigrant incorporation. Within the context of the Community Cohesion paradigm, the elimination of forced unions is interpreted as the victory of universal human rights over oppressive minority cultures – reinforcing the categorization of forced marriage as a cultural practice, rather than as a sub-set of the broader phenomenon of discriminatory gender relations. As a result, British authorities have directed their efforts against those cultural pressures which might prevent free marital choices amongst young people of ethnic minority background (Enright 2009, 331). In order to do so, preventive strategies have focused on the promotion of gender equality through the protection of human rights from what are perceived to be backward cultural traditions (Enright 2009, 338, 341) – mostly through the provision of safe accommodations to people in, or at risk of being forced into, an unwanted union, and via the introduction of stricter immigration requirements.

The use of such measures - in the form of a higher age limit for visa sponsorship and an English language requirement - has been criticized by

Hester et al. for potentially reducing the freedom to marry of those people who wish to engage in a transnational marriage (Hester et al. 2007; Gangoli & Chantler 2009; Chantler et al. 2009). For such people, “the right to family life would be denied until the person was 21 as they would not be permitted to marry a non-EU spouse until then even where the marriage was a ‘love’ marriage or ‘arranged’ by mutual consent” (Chantler et al. 2009, 602). In turn, this disproportionately affects people of ethnic minority origin, who are more likely to marry partners outside of the EU – with the risk of contributing to criminalize and stigmatize racialized minority groups and their cultural practices (Gangoli & Chantler 2009). As shown by Samad and Eade (2002) in their research on attitudes to forced marriage in the UK, the use of immigration controls may even lead members of ethnic minorities to believe that the real purpose of the forced marriage initiative is to keep people out of the country – decreasing their support for efforts to combat forced marriage (Samad & Eade 2002, 105; Phillips & Dustin 2004, 24; Wilson A. 2007). Additionally, ethnic minority community members interviewed fear that immigration restrictions might increase the risk of physical and/or psychological harm to potential victims, which are more likely to be deported abroad to be forced to marry (Hester et al. 2007; Gangoli & Chantler 2009) – leading public policies to achieve the opposite of an increased freedom of marriage. Most importantly, these measures do not address the needs of those women and girls subjected to a forced marriage in the UK or the rest of the EU (Siddiqui 2005, 273; Chantler et al. 2009).

For these reasons, the policy instruments currently adopted by British authorities to prevent and tackle forced marriage seem to produce a perverse effect (Hirschman 2003, 36; Sieber 1981), reducing the freedom to marry of young people in ethnic minority communities (Chantler et al. 2009, 602). They might also increase the likelihood for potential victims to be deported, exposing them to greater physical and psychological harm (Hester et al. 2007; Gangoli & Chantler 2009). Finally, they ignore those situations where patriarchy and poverty prevent victims from making a free choice (Chantler et al. 2009; Shachar 2001) – failing to address the

needs of those young women who unable, or do not want to, abandon their families and communities (Enright 2009; Anitha & Gill 2009).

Having reviewed the key themes and legislative steps undertaken by British authorities at the national level, the next chapter will be devoted to the analysis of British rhetoric and policies aiming at the prevention of forced marriage – especially, but not exclusively, through educational initiatives - in the areas of London and Birmingham. The goal is to ascertain the ways in which the national policies and rhetoric discussed in the previous sections are being translated into practice at sub-national levels of government.

Chapter 5:

BRITISH EDUCATIONAL POLICIES AND THE PREVENTION OF FORCED MARRIAGE: A MULTI- LEVEL ANALYSIS.

While it is undeniable that since 1999 British authorities have shown an increasing commitment to tackling forced marriages, the lack of national monitoring or reliable statistics renders it difficult to judge the effectiveness of available preventive measures. Domestic work on the issue has remained patchy, poorly planned, and under-resourced (City University London's Centre for Child and Family Law Reform 2010). Primary prevention initiatives remain rare and under-funded - despite the central role attributed to prevention by the government's rhetoric in several official policy documents over the last decade (FCO 2005; House of Commons 2008a, 2008b; FCO et al. 2008, 2009).

To ascertain if and to what extent national policy and rhetoric concerning forced marriage are reflected in local initiatives, the chapter will examine the rhetoric and policies adopted by sub-national institutions to prevent the practice in the cities of London and Birmingham from 1997 to 2008 (with an excursus into 2010 to outline recent developments). The analysis will focus primarily on the role of educational initiatives, despite acknowledging the relevance of preventive efforts in other areas of intervention (such as the health sector and the police). The study will discuss the assumptions and conceptualizations about forced marriage underpinning local rhetoric and policies in general, and the actions of key sub-national stakeholders in particular (both in the institutional and associational sectors). In the analysis of local practices, specific attention will be devoted to the relations between sub-national institutions and the civil society organizations working on the prevention of forced marriages (whether as a key part of their mission, or as part of their broader activities – such as the fight against domestic violence).

The selected actors in the voluntary and statutory sectors will include, but will not be limited to, NGOs working on domestic violence and/or ethnic

minority women's rights, as well as local authorities (LAs), local authorities' safeguarding children boards (LASCBs), domestic violence (DV) and child protection services. Given its distinct administrative structure, in the area of London the study will analyze both the Greater London Authority (GLA), as well as one of the 32 local authorities of which London is composed – namely, the borough of Tower Hamlets (in the east of London). This borough has been selected on the basis of its demographics and the presence of forced marriage prevention initiatives. In Birmingham, the study will focus on the role of the Birmingham City Council, whose authority covers all the ten constituencies composing the municipality.

The analysis of these localities is designed to help ascertain whether, and to what extent, there is variation in the official policies and discourse selected by British authorities to address forced unions at different levels of government. The use of case studies makes it possible to investigate how the issue of forced marriage is framed within the local context, how it is addressed by a set of key governmental agencies, NGOs and other relevant stakeholders, and how responses are coordinated.

The case studies examined also offer the opportunity to discuss the ways in which the policy instruments adopted by different levels of government are likely to enhance or to undermine young people's freedom of choice in marriage. Due to the absence of exhaustive monitoring and evaluation studies of prevention policy initiatives, however, the discussion will be tackling the issue from a normative perspective – rather than empirical. In other words, the discussion will be focused on the analysis of the principles and rationale inspiring current policy instruments – and their possible effects on young people's marital choices. In particular, the study will consider the ways in which instruments tackling the “overseas” dimension of forced marriage (such as the imposition of a higher legal age for transnational unions, introduced in November 2008) might contribute to a perverse effect (Hirschman 2003, 36; Sieber 1981) - *de facto* reducing ethnic minority young people's freedom to marry (Gangoli & Chantler 2009; Chantler et al. 2009). A “perverse” effect differs from a

simple side effect, as it represents “precisely the opposite of what was intended” (Hirschman 2003, 36) by the policy in question. While side effects can be accepted as a reasonable cost given the overall benefits of the selected social intervention, in the case of a perverse effect “not only is the original goal unachieved, but the situation is made worse” (Sieber 1981, 12).

Applying this conceptual framework to forced marriage prevention, the study argues that the adoption of measures tackling the practice primarily as a cultural tradition “imported” by foreign cultures not only is likely to have a limited impact on its prevention, but it may also reduce the marital choices of young people who freely decide to engage in a transnational union. Most recently, Gangoli and Chantler have illustrated the limits of using the imposition of a higher legal age as a tool to prevent forced unions in their study on the British government’s decision to raise the age of transnational marriages (Gangoli & Chantler 2009). The authors demonstrate the difficulty of relying on age as the only variable in determining women’s and men’s ability to resist forced marriage – arguing that “age for entry into marriage may have a much wider range than tends to be conceptualised in official policy discourses around forced marriage” (Gangoli & Chantler 2009, 282). In addition, they demonstrate “that notions of financial and emotional ‘independence’ which are assumed to come with higher education (and which are therefore presented as a sound rationale for delaying marriage) are somewhat illusory” (Gangoli & Chantler 2009, 286).

These considerations have found indirect confirmation in the recent ruling of the Supreme Court on the lawfulness of the government’s policy. According to the Court, there is not “sufficient evidence to determine whether or not raising the age of sponsorship would have a deterrent effect on forced marriage” (Supreme Court 2011, 10). Echoing the conclusion reached by Gangoli and Chantler (2009, 285), the Supreme Court judges also argue that, while the number of forced marriages deterred by the law “is highly debatable”, a higher legal age threshold is detrimental to young people who genuinely wish to marry (Supreme

Court 2011, 25). In other words, age restrictions on transnational unions not only have yet to be proven effective in the prevention of forced unions, but also have a perverse effect on those young people who decide to marry freely - penalizing the very people they attempt to protect.

Building on these considerations, this study's findings suggest a remarkable discrepancy between the strategies adopted by national and sub-national authorities. On the one hand, despite a rhetorical emphasis on the preventive role played by education, in practice national policies aimed at the prevention of forced unions have focused on the transnational dimension of the phenomenon – primarily via the introduction of stricter immigration controls (i.e. English language requirements and higher age limits for transnational unions for transnational unions).

On the other hand, the limited authority and financial resources available to sub-national actors render the adoption of exit solutions the most common form of forced marriage prevention domestically. Despite the relevance attributed to educational prevention initiatives by national guidelines and the Forced Marriage Unit, exit solutions are in practice the least costly and most viable option available to local authorities. Even though they are much needed in high-risk cases, this type of solutions presents important limitations in less dangerous, but still critical, situations. Neglecting to tackle the economic and/or personal conditions which might render the choice to “exit” not an option for many young people (Chantler et al. 2009, 603), these solutions prove inadequate to assist those victims who do not want to, or cannot, leave their family and community (Enright 2009).

In order to substantiate such claims, the study has adopted qualitative research techniques. These consist of in-depth semi-structured interviews with key actors and/or observers (i.e. representatives of NGOs as well as national and local government officials), and the analysis of relevant policy documents. These include, but are not limited to, national guidelines on forced marriage (FCO et al. 2004, 2005, 2008, 2009), Home

Office reports on forced marriage (Home Office 2000; Home Office/FCO 2000) and immigrants' incorporation (Home Office 2002, 2004), the sixth and eight Home Affairs Select Committee reports, newspaper articles and parliamentary debates.

The study hypothesizes that variations in policy outcomes – intended as variations in the policy instruments adopted - depend substantially on the variation of policy frames regarding forced marriage and its prevention across key stakeholders. Thus, when analyzing interviews, policy documents and archival sources the research will examine the competing framings of forced marriage amongst key institutional and voluntary sector actors. The location of gatekeepers and their priors will also be discussed (Bleich 1998). Simultaneously, the role of other concurring factors likely to influence forced marriage policy and rhetoric will be considered – such as the influence of political configurations at different levels of government, the leadership of specific individuals and their political will, the impact of available financial and institutional resources (i.e. funding, level of interagency cooperation at the local level), and patterns of rule application. In particular, the analysis will focus on the “relational character” of institutions (Hall 1986, 19; Thelen & Steinmo 1992, 6), examining the ways in which specific institutional configurations have influenced political interactions in the field of forced marriage prevention.

5.1 DEALING WITH FORCED MARRIAGE: THE HUMAN RIGHTS, CHILD PROTECTION, AND DOMESTIC VIOLENCE FRAMEWORKS

Despite the existence of an official juridical definition of the practice of forced marriage (“a marriage conducted without the valid consent of both parties, where duress is a factor” – Home Office 2000), the ways in which sub-national actors respond to the phenomenon show important differences in the application of such a definition. While in theory there is agreement amongst service providers and local bureaucrats on distinguishing forced from arranged forms of marriage, in practice the nature and scope of prevention initiatives varies between and within the

areas examined. Such differences seem to derive from diverging understandings of what constitutes a forced marriage case, what the role of different local institutions in dealing with the practice should be, and what – in turn – represents an adequate prevention strategy. In particular, young people aged 16-17 “present specific difficulties to agencies as there may be occasions when it is appropriate to use both child and adult protection frameworks” – as pointed out by the Forced Marriage Unit (FMU) Multi-Agency Practice Guidelines (FCO et al. 2009, 19).

As suggested by Kazimirski et al. (2009) in a FMU-commissioned study on forced marriage case response in four unidentified local authorities, at the local level three approaches to dealing with forced marriage cases seem to prevail – each involving the adoption of a specific set of policy instruments and related tools. First, there are solutions aiming to empower the individual, which work with communities through a human rights approach. This approach implies targeting the negative impact of forced marriage, specifically the limits it imposes on the freedom, rights and welfare of individuals. It is based on an understanding of the practice as the result of a pattern of behaviour designed to achieve power and control over an individual - rather than as a single incident (WNC 2009, 6). In general, as statutory agencies tend to shy away from directly undertaking forced marriage prevention activities targeting behavioural patterns, the voluntary sector is most involved with the development and implementation of such initiatives in educational institutions. Secondly, statutory agencies dealing with child protection interpret the practice as a symptom of family dysfunction. Subsequently, they aim to protect vulnerable children by removing the victim from the family, or by attempting to rehabilitate the family unit. Despite playing a central role in the protection of young people in educational facilities, in practice child protection services are rarely actively involved in forced marriage prevention initiatives - except for activities related to the Children Missing from Education (CME) initiative (targeting pupils from ages 5 to 16). Several respondents from the voluntary sector attribute this

reluctance to intervene as the result of local bureaucrats' fear to engage in what is perceived to be a highly sensitive cultural and political issue.

Finally, statutory agencies working on domestic violence approach the phenomenon of forced marriages as a type of abuse within families. When a victim is identified, they usually focus on the provision of a legal response aimed at removing the victim from the situation of abuse while prosecuting the perpetrator(s). Evidence gathered during field work in the area of Birmingham and in Tower Hamlets, London, shows that a case of forced marriage framed in terms of domestic violence (DV) typically mobilises a response involving a partnership between the police and DV caseworkers (either from the voluntary sector or from the LA) in order to remove the victim from risk of harm. This involves finding an alternative accommodation for the victim (usually within a local refuge). The provision of an exit solution is sometimes followed up with rehabilitation services (e.g. post-traumatic counselling for the victim and/or financial support), usually delivered by the voluntary sector. In cases involving the victim's abduction to a foreign country, the DV caseworker or police refer the case to the Forced Marriage Unit. For domestic cases, the police refer the case to the Crown Prosecution Service (CPS) after gathering evidence supporting the prosecution of the perpetrators.

As the analysis of the area of Birmingham shows, the Multi-Agency Risk Assessment Conference (MARAC) - a multi-agency meeting with the aim of reducing the risk of serious harm for the victim - also represents a key stage of the DV response. The purpose of this meeting in relation to forced marriage is to both to create a risk management plan involving all agencies for those perceived to be at risk or those experiencing or having experienced a forced union, and identify and discuss forced marriage cases in the area.

In the local authority areas examined by the study, it is this third approach centred on domestic violence services which best characterizes local efforts addressing forced unions. In both London and Birmingham in-depth semi-structured interviews have shown that domestic violence (DV) coordinators tend to play a pivotal role in supporting the development and

coordination of local forced marriage prevention initiatives. Not only they play a strategic role in developing and implementing the Local Authority's DV strategy, but they also engage in capacity-building activities. In both cities their work is supported through multi-agency DV Forums and associated sub-groups and working parties.

Unfortunately it is impossible to support these observations with quantitative data, as respondents were unable to provide valid and reliable local statistical data on forced marriage – despite acknowledging the importance of local forced marriage statistical data as an important element in strategic review and planning processes. Although a small number of non-governmental and institutional actors were willing to share and discuss rough data collected over the course of their work, to this date such data is not available for publication.

The two most relevant local studies on forced marriage (Khanum 2008; Kazimirski et al. 2009) face analogous difficulties in providing quantitative evidence to support their qualitative analysis of local forced marriage services. Kazimirski et al. (2009), for instance, note “a general lack of co-ordination of multi-agency sharing of statistical FM data” (Kazimirski et al. 2009, 32). “Although the majority of agencies recorded FM details in client case notes or personal confidential files” – the authors point out – “they did not typically collate this information or share it in a statistical format” (Kazimirski et al. 2009, 32).

Despite the lack of quantitative data, the centrality of domestic violence services noted by this study is consistent with what Kazimirski et al. (2009, 29, 42) observed and report. As noted by these authors, the quality of forced marriage coordination is “significantly affected by existing levels of DV resources and capacity (...), with under-resourced LAs tending to struggle with FM co-ordination responsibilities” (Kazimirski et al. 2009, 2).

Despite that DV services seem to represent the norm when dealing with forced unions, Kazimirski et al. (2009) argue that “all three framings of FM responses are necessary, all must be properly resourced, and effective co-ordination of all three is key to improving the quality of the overall

response” (Kazimirski et al. 2009, 6). The following section will discuss the limits inherent to service response based primarily on a domestic violence framework.

The Limits of the Domestic Violence Framework

The use of a domestic violence framework to tackle forced marriage prevention and case response has important consequences on the development of local prevention initiatives. Targeting exclusively people aged over 18, domestic violence policies leave unaddressed the needs of a substantial cohort of forced marriage victims. Police data shows that almost 25% of honour based violence incidents involve young people aged under 18. Such a figure is supported by Forced Marriage Unit data on forced marriage cases (House of Commons 2008a, 175). As child protection services have proved to be reluctant to intervene in cases affecting children over 16 years of age, the needs of young people aged between 16 and 18 risk being neglected – as reported by numerous respondents in the voluntary sector and two former DV coordinators in London.

Another limit inherent to an approach to forced unions prioritizing DV-related tools lays in the way in which the British government conceptualizes the issue of domestic violence. Some voluntary sector respondents tend to consider the definition of domestic violence adopted in 2004 through the Domestic Violence Act as inadequate to grasp the nature of the practice of forced marriage or to appropriately support its victims. Defined by the government as “any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality” (Home Office 2005, 7), this interpretation of domestic violence has been criticized by several women’s organizations for its focus on incidents, rather than patterns of behaviour. As pointed out by the 2009 Women’s National Commission report (*Still we rise*) to inform the cross-government consultation on

Violence against Women and Girls (VAWG), “domestic violence is best understood as a pattern of behaviour designed to achieve power and control rather than as a single incident or even a series of incidents” (WNC 2009, 6).

The positioning of domestic violence policy within the British government has also been subject to criticism. This issue was first raised during an interview with Davina James-Hanman, Home Office Specialist Advisor to the VAWG Team, former director of the Greater London Domestic Violence Project, and first person to be appointed DV coordinator in the UK.⁴³ As suggested by James-Hanman, the positioning of domestic violence policy under the aegis of the Home Office, which is responsible for issues related to immigration control, security and order, prioritizes “an approach centred on the role of the criminal justice system, ignoring in practice the role played by professionals in fields outside the Home Office” (such as education).⁴⁴ As a result, “there is a failure [in the UK] to make connections between forms of violence in terms of their dynamics, consequences and underlying causes”, and a “need for a national strategy on women” (CEDAW 2008, 5-6) – argues the Committee to End Violence against Women (CEDAW), a body of international women’s rights independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women around the world. The following section will discuss the ways in which the British government has recently addressed such criticism.

Recent Developments: Forced Marriage as an Issue of Violence against Women and Girls (VAWG)

In November 2009, the former Labour government launched the cross-government *Together we can End Violence against Women and Girls* strategy, followed by the publication in 2010 of the *Call to End Violence*

⁴³ Interview held in London on 19th April, 2010 with Davina James-Hanman, Home Office Specialist Advisor to the Violence against Women and Girls (VAWG) Team.

⁴⁴ *ibid.*

Against Women and Girls. This document outlines the Government's strategic framework for tackling VAWG over the Spending Review period, and was subsequently complemented by the *Call to End Violence Against Women and Girls: Action Plan*, which details the work the Tory Government will undertake to tackle VAWG in 2011/12 and beyond.

Responding to the criticism received from the voluntary sector and CEDAW over the past decade, the recent shift in the government's official rhetoric and policy from a domestic violence focus to a violence against women strategy introduces a gendered perspective in the efforts against forced marriage, while taking into account the interconnectedness of forms of violence against women (House of Commons 2008a, 2008b; CEDAW 2008). By targeting all forms of violence against women and girls (such as domestic violence, forced marriage and "honour" crimes, prostitution, etc), the cross-government's strategy aims to overcome artificial barriers in dealing with these issues, offering "a co-ordinated approach to combating all forms of VAWG" (Home Office 2009, 4). Building on a "number of separate plans [developed] in recent years for dealing with different problems", the strategy represents an "integrated approach to tackling (...) [VAWG] and supporting its victims across the three key areas of prevention, provision and protection" (Home Office 2009, 4).

Voluntary sector respondents interviewed for this study have tended to praise the Home Office Violence against Women and Girls (VAWG) strategy. According to the respondents, the Strategy goes beyond the Domestic Violence framework by offering a coordinated approach in different areas (such as female genital mutilation, forced marriage, and "honour" based violence) - as suggested by Anjum Mouj of Imkaan, a national charity promoting the development of organizations working on violence affecting Black, Asian, Minority Ethnic and Refugee (BAMER)

women and girls.⁴⁵ Imkaan's perspective is valuable as two of its staffers – interviewed over the course of this research - participated to the inquiry leading to the first Home Affairs Select Committee Report devoted to forced marriage and “honour” crimes (*Domestic Violence, Forced Marriage and “Honour”-based Violence*, House of Commons 2008b).

The approval of the government's shift from a domestic violence to a VAWG framework is far from unconditional. As pointed out by Anjou Mouj, trainer and information officer at Imkaan, “there is no point in having this rhetoric, if there are no resources. In a sense, the strategy is a great wish list, a great ambition, but without strategic resources the strategy misses the point”.⁴⁶ Her colleague Sumanta Roy adds: “on one level it's exciting, as we never had a strategy, on another level preventative work and community engagement is missing: how is this is going to happen?”⁴⁷ The national strategy, indeed, fails to provide clear goals for implementation, timelines for achieving these, and funding lines to enable their achievement across the UK.

The lack of clear directives to translate national guidelines into practice is particularly evident when considering the role of Local Authorities (LAs) in the implementation of the government's strategy. As noted by Sumanta Roy at Imkaan, “ultimately it is going to be up to each LA how they are going to implement it, but - based on what we have seen so far - some of them lack the kind of specialism that women needs. Such specialist services have actually been eroded or eradicated over the past few years.”⁴⁸ Indeed, according to the End Violence against Women's *Map of Gaps* report (EVAW 2007a), less than ten per cent of local authorities provide any specialised services for women and girls who face forced marriage, female genital mutilation or crimes in the name of honour. In order to counteract this trend, the “central government” – Roy argues – “needs to direct local government and earmark ring-fenced fund,

⁴⁵ Interview held in London on March 8th, 2010 with Anjum Mouj, trainer and information officer at Imkaan.

⁴⁶ *Ibid.*

⁴⁷ Interview held in London on March 8th, 2010 with Sumanta Roy, capacity building manager at Imkaan.

⁴⁸ *Ibid.*

otherwise LA will prioritize other issues (...). LAs need to be instructed very clearly about what resources should be put into VAWG.”⁴⁹ In other words, recent changes in the government’s rhetoric are deprived of any substantial meaning if not accompanied by adequate legislative, policy and financial measures ensuring their implementation by Local Authorities.

An interview given in early 2010 by Amrit Wilson reinforces such claims.⁵⁰ Wilson’s perspective is noteworthy given her key role as both the author of one of the most influential scholarly studies on forced marriage in the Great Britain, as well as feminist activist – most notably with the Southall Black Sisters, a leading non-governmental organization working on violence against ethnic minority women. Wilson points out the mismatch between the national level – which frames and directs policy – and the local level, where LAs have the responsibility but often neither the tools nor the desire to act. Wilson goes even further in her argument, stating that “prevention has been wiped out by the government”⁵¹. According to the scholar and activist, the movement centred on prevention has been systematically destroyed by the government’s policies and its attempt to put everything within a “business” context, especially since 1997 and the victory of New Labour. This process – Wilson suggests - would be the result of a liberal political ideology based on the belief that vulnerable young people must learn to cope with the crisis they face without receiving any help from the government. Whatever the nature of the ideology inspiring recent changes in the government’s approach to violence against ethnic minority women may be, it is undeniable that preventive efforts are severely hampered by the government’s neglect to take action to ensure the implementation of its rhetoric and policy at the local level – as it will be further discussed in the following sections.

⁴⁹ *Ibid.*

⁵⁰ Interview held in London on 28th January, 2010 with writer and political activist Dr. Amrit Wilson

⁵¹ *Ibid.*

5.2 EDUCATIONAL POLICIES AIMED AT THE PREVENTION OF FORCED MARRIAGE

The Role of Schools in the Prevention of Forced Unions

In the cross-government's strategy to end VAWG published in November 2009, the government reiterates the importance of supporting early identification of cases where forced marriage has been threatened and early intervention (Home Office 2009, 20). The importance of prevention is also stressed by the empirical findings collected by Kazimirski et al. (2009), according to whom "of the FM cases reported to local organisations, almost two-thirds related to threats of marriage (62%) and just over one-third (38%) related to marriages that had taken place" (Kazimirski et al. 2009, 2). Since about a third of the cases handled by the Forced Marriage Unit involve children under 18 (Kazimirski et al. 2009, 11), schools potentially play a key role in the prevention of the practice and detection of cases.

The End Violence against Women Campaign, a coalition of British voluntary sector organizations, has been amongst the first to stress the role of schools in preventing forced unions in the *Making the Grade* report (EVAW 2007b) - which evaluates the commitment and performance of all government departments in supporting women and children experiencing violence and ending violence against women. According to its authors, "schools are (...) in a good position through the National Curriculum to shape the attitudes children and young people have to gender equality and respectful relationships, tackling violence against women at its roots" (EVAW 2007b, 26). "Schools" – the report continues – "can also identify girls who are at risk of (...) forced marriage within their community and offer them protection, support and advice" (EVAW 2007b, 26).

Published a couple of years after *Making the Grade*, the Home Office VAWG Strategy builds on these considerations. Its authors advocate that schools "ensure that all staff know how to deal with girls they identify as being affected [by issues such as forced marriage], including when to

refer to the school's designated senior person for child protection" (Home Office 2009, 21). It also encourages the Office for Standards in Education, Children's Services and Skills (OfSTED, responsible for carrying out regular inspections of each school in England) - to "engage with students and staff in schools in its inspection of how a school undertakes its equality duties, works to prevent violence and supports girls" (Home Office 2009, 21). Finally, despite pushing for gender equality and violence against women and girls to be included in the school curriculum for Personal, Social and Health Education (PSHE) and Sex and Relationship Education (SRE), it fails to make this a statutory requirement.

As part of the development of the cross-government VAWG Strategy, in July 2009 the Department for Children, Schools and Families (DCSF) set up an Advisory Group on Violence against Women and Girls. The Group is made up of experts and practitioners representing key stakeholder organizations both in the statutory and voluntary sectors – such as schools, the End Violence against Women Coalition, the Greater London Domestic Violence Project, and Women's Aid. Through the publication of a final report, it aims to provide advice to DCSF Ministers on how schools can most effectively tackle the issue of violence against women and girls (DCSF 2010).

Published in early 2010, the Advisory Group's recommendations - accepted in full by the Government - include the need for all schools to receive guidance to help prevent and respond to violence against women and girls; the insistence on all young people to be taught about gender equality and violence against women and girls in PSHE as part of the national curriculum; and the need for teachers to be given clear advice on how to deal with suspected cases of violence against women and girls in their schools and referring young girls at risk to support services (DCSF 2010). At the time of the report's publication, former Children's Minister Delyth Morgan publicly expressed her support for the Group's recommendations: "Teachers are uniquely placed to spot the early signs that a young girl could be suffering from violence. We are determined to

improve the training, guidance and support they receive so that schools can lead the way in putting an end to violence against women and girls” (DCSF 2010b). Despite the DCSF’s formal commitment to tackle forced marriage, women’s rights campaigners claim that the non statutory nature of Sex and Relationship Education (SRE) denies crucial information to young people at risk of a forced marriage, as many schools “delibaretly eliminate or water down their SRE offer because they don’t want parents to make a fuss” – as pointed out by Nashima Sheik at Birmingham & Solihull Women’s Aid.⁵² This view is echoed by the school staffers interviewed for this research: according to Poppy Banerjee – a senior counsellor at Tower Hamlets College, a further education institution where about 35% of students are aged 14-19 - “as schools are under a lot of pressure, SRE tends to be at the bottom of the pile”.⁵³ Even when implemented, often teachers are not trained well enough to be able to deliver SRE. According to Ian Timpany, a teacher at Central Foundation Girls School in Tower Hamlets, “the real issue is as much about getting people feel confident about that, as it is about getting it into the timetable”.⁵⁴ These comments seem to be confirmed by a report released by the Office for Standards in Education, Children's Services and Skills (OfSTED) on 23 July 2010 (*Personal, Social, Health and Economic education in schools*), which found that SRE teaching was no more than satisfactory in a third of schools.⁵⁵ Along with the non statutory nature of SRE, several local bureaucrats and activists involved in the national consultations on VAWG have criticized the lack of the ministry leadership’s engagement, as well as the lack of cooperation of its staff with other government agencies tackling forced unions – as it will be discussed in the next section.

⁵² Interview held by phone on 16th May, 2011 with Nasheima Sheik, assistant chief executive at Birmingham Solihull Women’s Aid.

⁵³ Interview held on 5th May, 2010 with Poppy Banerjee, Senior Counsellor at Tower Hamlets College, London.

⁵⁴ Interview held on 9th May, 2010 with Ian Timpany, teacher at Central Foundation Girls School in Tower Hamlets, London.

⁵⁵ <<http://www.ofsted.gov.uk/resources/personal-social-health-and-economic-education-schools>>, accessed on 30/01/2012>

Educational Policies and the Prevention of Forced Marriage: between Rhetoric and Practice

In the recently published Home Affairs Select Committee Eight report on Forced Marriage (House of Commons 2011), MPs involved in the inquiry leading to the report expressed disappointment at Education Secretary Michael Gove's stance. In particular, they proved to be skeptical of his assurance that "'schools will already be aware of the guidance available on forced marriage" or that, if they are, they are acting on it" (House of Commons 2011, 27). It is unclear, indeed, how the government's rhetorical emphasis on the role of schools in the prevention of forced unions will be translated into practice. According to the *Safeguarding Children and Safer Recruitment in Education* protocol (DFES 2006) - considered to be "the principal safeguarding guidance for schools and other education institutions" (House of Commons 2008a, 395) - if there are concerns that a student is in danger of a forced marriage, schools should contact the Government's Forced Marriage Unit, along with the police and children's social care. Yet, due to the lack of monitoring and evaluation indicators and/or reporting obligations, it is impossible to verify whether and to what extent schools are engaging in forced marriage prevention activities. Despite being required to demonstrate that they are "promoting equality for (...) girls and boys" by introducing "gender equality objectives to tackle their major gender equality issues" as per the Gender Equality Duty (DCSF 2010, 13), schools are not required to report specifically on any forced marriage indicators. As a result, it is impossible to gather a clear picture of the extent to which individual schools are following the forced marriage guidelines for educational professionals published in 2005 (FCO et al. 2005), and whether they are implementing any prevention initiatives at all - both in terms of the amount of the resources directed towards prevention initiatives, and the ways in which such funds are being used.

The introduction of ad hoc forced marriage legislation in 2007 has only partially addressed these issues. Interviews held with judges in preparation for the Ministry of Justice (MOJ) report on the initial impact

of the Forced Marriage (Civil Protection) Act 2007 suggested that in some areas schools are reluctant to publicize the new provisions established by the Act (MOJ 2009, 22). According to Cris McCurley, a legal consultant to the government whose view is included in the Home Affairs Select Committee report *Forced Marriage*, such a reluctance seems to be widespread across the UK: “forced marriage protection in schools (...) is not on the curriculum, it is not on the agenda, and the posters are not on the walls” (House of Commons 2011, 22). As told by McCurley to the authors of the *Forced Marriage* report, frontline professionals experience “an enormous fear of tackling the issue in case they get it wrong and appear racist” (Home Office 2011, 19). Subsequently, school headmasters and staff are often unwilling to tackle the practice in order to avoid troubles with parents, communities, and/or superiors.

Indeed, already in 2007 the Ministry of Justice report on the initial impact of the Forced Marriage (Civil Protection) Act expressed concern about the presence of a “PC agenda”, especially outside London, “whereby there was reluctance to risk causing offence within some of the BME communities” (MOJ 2009, 22). In order to overcome such shortcomings, the MOJ report concludes, “the Education establishments need to engage and be more receptive to presentations and posting information for students. Where events have taken place in schools/colleges there has been a positive response and a demand for further information” (MOJ 2009, 43).

In the local authority areas examined by this study, to date the development of prevention initiatives has been done exclusively on an ad hoc basis, usually depending on pre-existing referral relationships between schools and external agencies. In general, voluntary groups tend to be more active in developing and undertaking prevention activities, sometimes in cooperation with the local authority (Kazimirski et al. 2009, 52). Inevitably, the focus of each NGO tends to have an influence on the context and direction of the forced marriage training/prevention initiative.

Community-based prevention work outside schools has been undertaken but is much less common, as NGOs tend to shy away from activities involving parents - despite acknowledging their importance. As pointed out by Kazimirski et al. (2009), “the main example of reaching parents through schools was in relation to CME [Children Missing from Education] initiatives, which involved communicating to parents the importance of education and the school’s disapproval of students missing classes or going on extended holidays abroad” (Kazimirski et al. 2009, 53). Even in this sector, results are mixed. A 2010 Ofsted’s report, aimed to evaluate the “effectiveness of actions taken by local authorities in relation to children and young people who are missing from education, highlighted concerns around the reasons for missing education and the lack of cooperation between councils and schools” (House of Commons 2011, 25).

The Role of Local Authorities in the Prevention of Forced Unions

As argued in the previous section, there is an undeniable mismatch between national level rhetoric and policies concerning forced marriage prevention through educational initiatives on the one hand, and local realities on the other hand. Subsequently, despite an official rhetoric encouraging schools to cover issues such as forced marriage and other aspects of domestic violence within discussion of relationships under personal, social and health education (PSHE), or within citizenship classes (Home Office 2009), this research findings show that in practice prevention work in the areas examined is still patchy, under-resourced and mostly guided by the initiative of committed individuals. Outside of the local authorities considered, it is impossible to determine to what extent individual schools translate rhetoric into practice due to the lack of any reliable monitoring system allowing LAs to monitor and closely evaluate the situation.

On the one hand, the *Guidance for Education Professionals* (FCO 2005) – recently incorporated into the FMU’s multi-agency practice guidelines

(FCO 2009) - argues that “education professionals are in an ideal position to identify and respond to a victim’s needs at an early stage” (FCO 2005, 9). Subsequently, “educational establishments should aim to create (...) an environment where forced marriage is discussed openly within the curriculum, and support and counselling are provided routinely” (FCO 2005, 9). On the other hand, as the Home Affairs Select Committee Sixth Report *Domestic Violence, Forced Marriage and “Honour”-Based Violence* (House of Commons 2008a, 2008b) notes, “there is no explicit statutory requirement for schools to educate pupils about domestic or “honour”-based violence or forced marriage” (House of Commons 2008a, 30). As a result, the level of engagement of Education representatives in local Domestic Violence Forums is usually very low. Additionally, “PSHE is not a curriculum requirement for schools and informal feedback from voluntary sector organisations suggests that in practice many schools who do teach PSHE do not opt to cover [issues such as] domestic violence [and forced marriage]” (House of Commons 2008a, 30).

In other words, Local Authorities (LAs) have no substantial powers with regard to the implementation and monitoring of forced marriage prevention initiatives in the field of education – all authority resides in the hands of individual schools, and depends on the goodwill of head-teachers and/or local staff. A similar pattern - observed in the French case – will be discussed in chapter seven. The Education and Inspections Act 2006 gives LAs a key role in promoting high standards of education, but leaves them no power to take action on those schools who successfully meet the requirements set by the OfSTED - requirements which do not evaluate schools on their work on forced marriage and related issues. Therefore, despite the fact that DCSF Ministers have written to schools, Local Authorities and Local Safeguarding Children Boards (LSCBs – of which LAs are statutory partners) in order to encourage the implementation of prevention initiatives, they can only encourage such institutions to raise awareness on child protection issues surrounding forced marriage, and to provide information about sources of support – lacking both powers of implementation and monitoring. In turn, these

institutions experience an analogous lack of power with regard to individual schools, which on many aspects resemble to self-governing institutions.

It is also important to stress that forced marriage does not have a clear “home” in terms of which LA department(s) (e.g. child protection, domestic violence, police) should take the policy and/or practice lead, causing a lack of overall coordination in terms of prevention activities. Consequently, Kazimirski et al. (2009, 6) argue, “local coordination of forced marriage response and prevention is lacking in strategic direction” (Kazimirski et al. 2009, 6).

As the analysis of London and Birmingham will show, in practice it is often LAs’ Domestic Violence coordinators who are responsible for leading forced marriage prevention efforts. This pattern contributes to significant variation in terms of quantity and quality of prevention initiatives across different local authorities - echoing the findings reported by Kazimirski et al. (2009). Even though present in the majority of LAs, the DV Coordinator role varies significantly across the territory. “The DV coordinator’s role” – explains Davina James-Hanman, the first person to be appointed DV coordinator in the UK – “is not set in stone. Rather than focusing on case work, it aims at coordinating strategically local DV strategies, promoting information sharing and cooperation between agencies.”⁵⁶ This flexibility, in turn, is likely to contribute to significant variations in terms of forced marriage prevention across the LAs considered.

As far as schools and LA Education Departments are concerned, these often constitute a vital missing link in responses to forced marriage. The gaps in their actions are usually filled by the work of NGOs, which tend to focus on fostering individual empowerment and working with the community. In particular, the work of black and minority ethnic women frontline organizations working on domestic violence “cannot be

⁵⁶ Interview held in London on 19th April, 2010 with Davina James-Hanman, Home Office Specialist Advisor to the Violence against Women and Girls (VAWG) Team.

understated” (Home Office 2011, 40). Within such a framework, successful prevention projects are for the most part the result of joint initiatives. Such initiatives approach forced marriage within the broader context of domestic violence, making the most of established community relationships, and increasing dialogue between the LA, the voluntary sector, and the affected communities (Kazimirski et al. 2009, 6). These considerations are pointedly summarized in a remark by one of the focus group participants consulted in the Women’s National Commission’s *Still we rise* report. Interviewed with regard to issues of violence against women, the respondent states: “there is a big gap between local and national government [in terms of actions tackling violence against women] (...) – the law’s in place, campaigns are in place, which is great, but nothing seems to be filtering down and actually having an impact on local services and on whether locally women can get help” (WNC 2009, 19).

Analysis of Policy Instruments

As the analysis of Local Authorities’ powers in forced marriage prevention shows, there is a striking contrast between the importance attributed to LAs in this field by the government (Home Office 2009, 2010), and the policy instruments effectively available to such actors. The lack of adequate instruments to tackle domestic cases contrasts sharply with the proactivity of the Forced Marriage Unit and the Home Office in addressing the “overseas” dimension of the phenomenon. Despite a governmental rhetoric increasingly centred on framing forced marriage as an issue of violence against women, available policy instruments *de facto* seem to refer almost entirely to an understanding of forced marriage as a product of cultural difference. The use of immigration restrictions for international cases, and the preference for secondary prevention measures (such as “exit” solutions) for the domestic ones, implicitly targets the “cultural” causes of forced unions – rather than the discriminatory gender relations at the basis of all forms of violence against women. As a matter of fact, exit solutions - perceived to be as the

least costly and least controversial option - have become Local Authorities' weapon of choice in the fight against forced unions. This pattern has developed at the expense of other preventive measures (especially primary prevention) - as it will be discussed in the following paragraphs.

On the one hand, the Home Office argues that "greater decentralisation (...) will give local people a stronger voice in setting local priorities, and give local areas the means through which to understand what those priorities are" (Home Office 2010, 7). According to the Home Office Call to End VAWG, "effective prevention work will be at the core of our strategy. We will work across departments and services, both at a local and national level, to change attitudes and behaviours" (Home Office 2010, 8). In order to do so, the government "will support local areas to deliver the services that are right for their communities by stripping away unnecessary central government targets and initiatives" (Home Office 2010, 7). Additionally, it "will ensure that there is greater transparency and accountability for how effective the local area is in responding to this issue" – making "the case for tackling violence against women and girls a local as well as a national priority" (Home Office 2010, 7).

On the other hand, it is unclear how such an agenda is translated into practice in the field of forced marriage prevention, given the limited role of local authorities in the field of education. Even though in the past LAs used to be significantly more involved with schools, providing material and setting the curriculum, since the mid 1990s their role has been significantly reduced. According to Davina James-Hanman, Home Office Specialist Advisor to the VAWG Team, "now that schools are very independent, the only reasons why a LA would be involved with a school is if it is failing - which is the point why schools are generally not receptive to taking on board new issues [such as the prevention of forced unions]".⁵⁷

⁵⁷ Interview held in London on 19th April, 2010 with Davina James-Hanman, Home Office Specialist Advisor to the Violence against Women and Girls (VAWG) Team.

The lack of Government Performance Indicators concerning forced marriage renders it impossible to gather a clear picture of what is going on at the local level in terms of the prevention of the practice – both in terms of the amount of the resources directed towards prevention initiatives, and the ways in which such funds are being used. Despite the requirement that LAs and their partners must report back at least annually within the context of Local Area Agreements (LAAs) – the key delivery contract between central and local government and its partners (House of Commons 2008a, 395-6) - only a dozen of the indicators against which they are supposed to report focus on safeguarding. They do so by focusing on incidents, neglecting to assess the ways in which multi-agency work can prevent, protect, educate, hold perpetrators accountable and support victims. Most importantly, since the withdrawal of the Government's Best Value Performance Indicator (BVPI) 225 - which highlighted the need for sustained local authority action, requiring “schools to have a resource pack on domestic violence” without setting any obligation to use it (House of Commons 2008, 70) – there are no government indicators for which local authorities have to report in relation to public awareness, education, the provision of information or anything else of that nature in relation to domestic violence or “honour” crimes.

These considerations show that a national political rhetoric centred on prevention has not been accompanied by the creation of policy instruments allowing its implementation and monitoring throughout the territory. As stated by Anjum Mouj of Imkaan, it is clear that “looking at the policy on paper it seems like there might be huge investments on education, but it is actually just small pockets of money”.⁵⁸ Her colleague Sumanta Roy goes further, arguing that “not only the money is missing, but the very infrastructure is missing. There is no work with the

⁵⁸ Interview held in London on March 8th, 2010 with Anjum Mouj, trainer and information officer at Imkaan.

community, explaining what their rights are – the approach has been quite legislative and this is what we are being critical about.”⁵⁹

In some areas, pockets of work have been carried out in schools by the voluntary sector to raise students’ awareness about forced marriage, especially amongst young women – perceived to have limited freedom outside the home. The Newham Asian Women’s Project (NAWP) can be considered one of the most successful examples amongst such initiatives. NAWP – an NGO supporting Asian women and children facing domestic violence in London - carries out targeted work with young people, including sessions in schools (House of Commons 2008a, 33). Similarly, both statutory and voluntary agencies have praised the now-defunct Doli Project for its forced marriage prevention work in schools in Birmingham. Despite the existence of these isolated examples, the analysis of local realities in London and Birmingham shows that educational initiatives are considerably undermined by the lack of adequate funding for voluntary sector organizations, the disconnection of statutory agencies from the communities they work in, and the scarce engagement of schools’ leadership in prevention activities. Similarly to my findings in the French case, in each LA forced marriage initiatives and their coordination is driven by a small group of individuals, usually DV coordinators and voluntary sector service providers working on issues of domestic violence and/or violence against ethnic minority women. As a result, levels of activity are difficult to sustain over time, leaving room for long periods of inaction as soon as the relevant individuals are replaced or decide to leave (Kazimirski et al. 2009, 30).

The dangerous consequences of the mismatch between forced marriage prevention rhetoric and local policies were stressed by Peter Keogh, co-director of Families and Children at the National Centre for Social Research, a not-for-profit organization specialized in social research, during the course of a symposium on forced marriage prevention in May 2010. According to Keogh, “schools are the only place where a specific

⁵⁹ Interview held in London on March 8th, 2010 with Sumanta Roi, capacity building manager at Imkaan.

kind of prevention can be done, as often they represent the only chance for young people under strict parental control to access information - which is the prerequisite to access support”.⁶⁰ As put by the government in the recent strategy on VAWG, “a school may be one of the few safe places where a child can disclose that they are being abused” (Home Office 2009, 26). According to the VAWG Advisory Group report, “the situation is exacerbated for young girls of less than 18 years and in full-time education, as the availability of state welfare benefits for them is minimal. In many cases, access to higher education may be the way to empowerment and may be an exit route from the cycle of abuse” (DCSF 2010, 9).

We now turn to the detailed case studies of two LAs.

5.3 MULTI-LEVEL ANALYSIS: THE ROLE OF SUB-NATIONAL INSTITUTIONS AND NON-GOVERNMENTAL ASSOCIATIONS IN THE PREVENTION OF FORCED MARRIAGE

Unit of Analysis

This study examines the areas of London and Birmingham – with a focus on two local authorities (LAs) as case studies - in order to deconstruct the sub-national aspects of forced marriage prevention policies and rhetoric in the UK (specifically, in England). The selected localities comprise the areas corresponding to the country’s capital, London, and the second British city per population, Birmingham, a large metropolitan centre situated in the West Midlands.

Although both are located in England, the two cities present different administrative structures. The Birmingham City Council is formed by one single LA, representing the largest local authority in the UK. Conversely, the administration of London is formed of two tiers - a citywide, strategic tier and a local tier. The Greater London Authority (GLA) coordinates citywide administration, while 33 smaller local authorities – 32 “boroughs” and the City of London - carry out local administration.

⁶⁰ Interview held in London on 25th May, 2010 with Peter Keogh, co-director of Families and Children at the National Centre for Social Research.

Within London, particular – but not exclusive - attention will be devoted to one borough in order to better ascertain the power and limits of LAs in influencing local forced marriage prevention initiatives. The local authority selected is Tower Hamlets (a borough in the east of London populated by a large Bangladeshi minority).

The study's unit of analysis – generally referred to as “local authority” (LA) with regard to the British case, although legal names of individual LAs may vary across different areas (e.g. boroughs in London, unitary authority in Birmingham) - is centred on these two cities. They have been selected on the basis of the concentration of ethnic minorities at risk of the practice (Bangladeshi communities in the borough of Tower Hamlets; Pakistani and Indian communities in Birmingham), as well as the existence of prevention initiatives implemented on their territory by non-governmental organizations.

Acknowledging LAs' limited role in ensuring the implementation of national guidelines and directives on forced marriage in the field of education, this study does not intend to offer a systematic review of each LA's internal dynamics. Rather, it aims to stress the contrast between national rhetoric and policy in this field, and the realities of local prevention activities. There may be significant tensions between the political will at different geographical scales and contradictory imperatives exercised on relevant sub-national institutions. In the process of unveiling such tensions, the research will analyse all the relevant actors which have addressed the issue of forced marriage prevention in the selected areas since 1997 – both in the statutory and voluntary sectors. As it will be discussed in the following sections, despite LAs' lack of authority in education, these and other sub-national institutions – namely, the Greater London Authority – can play an important role in launching local discussions, stimulating awareness, promoting partnerships, and coordinating local actions against forced unions.

Selection of Sample

Preliminary meetings with leading British scholarly experts working on forced marriage and “honour”-based crimes helped identify a network of key individuals in statutory agencies and non-governmental associations active in the prevention of forced unions. Such contacts have triggered a cascade effect which has led me to expand my network of contacts - connecting me with British bureaucrats and NGO staffers working on forced marriage and its prevention, both at the national and sub-national level. This has led to a total of about 50 in-depth semi-structured interviews. By doing so, they have allowed me to successfully identify the population sample object of this study – namely, the members of the relevant national and local policy networks, broadly intended as those actors (whether individual or collective) claiming an interest in addressing the phenomenon of forced marriage, and particularly its prevention through the use of educational initiatives.

To date, over fifty in-depth semi-structured interviews have been conducted with national and local government agencies dealing with forced marriage prevention in the field of child protection, domestic violence, violence against women, and/or education (e.g. Forced Marriage Unit; Home Office Violence against Women Unit; Government Equality Office; Department for Children, Schools and Families; domestic violence and child protection services in the cities of London and Birmingham). Voluntary sector organizations involved include associations working broadly on domestic violence/violence against women (Birmingham & Solihull Women’s Aid), and issues affecting ethnic minority women (Southall Black Sisters; Imkaan; Newham Asian Women Project (NAWP); Ashiana; the Henna Foundation), as well as those specialized in forced marriage and “honour” crimes (Karma Nirvana; the Doli Project). Interviews have also been held with most of the relevant scholarly experts in the country. Along with the use of in-depth semi-structured interviews, this research has relied on the analysis of primary documentation approved by national and local executives to identify policy priorities in the field of forced marriage prevention at

different levels of government, as well as on relevant parliamentary and senate proceedings, judicial sentences, and newspaper articles.

London and Birmingham: Common Trends

Before having a closer look at the local realities of forced marriage prevention in London and Birmingham, this section identifies three common trends that characterize prevention initiatives in both cities. The trends are: the resistance of local bureaucrats, particularly education professionals, to intervene in forced marriage cases; schools' reluctance to engage in prevention initiatives; and the non-statutory nature of forced marriage training for education professionals. These trends have been identified through the analysis of the themes most often recurring in the in-depth semi-structured interviews held for the purpose of the research, as well as through the analysis of official policy documents and relevant scholarly works.

(1) Cultural Relativism

As pointed out by Olaf Henricson-Bell, co-director of the Forced Marriage Unit, education professionals are in a key position to detect signs of vulnerability to forced marriage (such as extended absence from school/college, drop in performance/motivation, a history of siblings leaving education to marry early, excessive parental restriction and/or control of movements).⁶¹ Yet, the effectiveness of their intervention can be threatened by the adoption of mediation measures. Largely accepted in France, in the UK the use of mediation has been the object of heated controversies. The Home Affairs Select Committee Sixth Report explicitly states that education professionals should “bear in mind that mediation as a response to forced marriage can be extremely dangerous (...) [as] refusal to go through with a forced marriage has, in the past, been linked to so-called ‘honour crimes’” (House of Commons 2008a, 395).

⁶¹ Interview held in London on March 8th, 2010 with Olaf Henricson-Bell, co-director of the Forced Marriage Unit.

Despite showing a general awareness of the danger inherent in the use of mediation, the interviews held for this study suggest that statutory agencies in London and Birmingham are often reluctant to address directly issues of forced marriage for fear of being perceived as culturally insensitive – a trend which could be defined as “cultural relativism”. This phenomenon is consistent with the findings reported by Kazimirski et al. (Kazimirski et al. 2009, 30) and the Women’s National Commission (WNC 2009). Both studies emphasize the resistance of many school staffers to engage in culturally sensitive issues such as forced marriage (Kazimirski et al. 2009, 30), stressing the importance to train school staff around challenging cultural attitudes within a human rights and equality framework (WNC 2009, 26). Ethnic minority women interviewed by the author of the WNC’s *Still we rise* report, in particular, fear that “some schools would be reluctant to address these issues, particularly if governors or local male community leaders object” (WNC 2009, 25).

The phenomenon of cultural relativism seems to be remarkably less pronounced among respondents associated with an NGO. When interviewed on this matter, these tend to discard mediation tools, considering forced marriage as an abuse of young people’s right to choose – putting the absence of choice/consent at the centre of their efforts to prevent forced unions. As a result, the voluntary sector is generally perceived by respondents in statutory agencies as performing a central role in addressing the gaps in local policies, covering a wide range of forced marriage prevention activities – such as capacity building, staff training, and implementation of initiatives involving young people.

The increasing importance attributed to the role of voluntary sector organisations is not matched by a proportional growth of the financial resources allocated to them. On the contrary, many of these organizations are facing consistent funding cuts following the introduction of the Supporting People Programme. In both London and Birmingham several NGO respondents stressed the difficulties experienced in understanding

the LA's new tendering system, while expressing frustration due to the impossibility of satisfying the increasing demand for forced marriage prevention work in schools due to the lack of adequate funding.

(2) Information Dissemination and Awareness Raising: Targeting High Schools Pupils

The reluctance to engage in highly sensitive cultural and political issues is particularly evident in educational institutions. School staffs' fear of upsetting parents or the local community renders schools reluctant to display materials or challenge attitudes about forms of domestic violence in general, and forced marriage in particular – as argued in the Home Affairs Select Committee Sixth and Eight reports on forced marriage and “honour”-based violence (House of Commons 2008a, 35; 2011, 21-29). For instance, a DCSF-led survey published in the Sixth report shows that – in the 14 local authority areas identified by the FMU as having a high incidence of forced marriage - although some schools were displaying materials, others were reluctant to address the issue. In Birmingham, in particular, it found that the FMU posters – which are currently not routinely distributed to schools but are available on request - had not been displayed as requested because school heads perceived the graphics as too “hard-hitting” (House of Commons 2008a, 36). Substantiating such findings, survivors of forced marriage interviewed in the report told that “they had not received any education at school about the issue, and emphasised the importance of information as a prerequisite for gaining access to support” (House of Commons 2008a, 31). As pointedly summarized by Nicola Harwin, Chief Executive of Women's Aid, a key national charity working to end violence against women and children: “there is a lot of work being done on developing tools. That is not so much the problem. It is the will inside schools to deliver it and creating time for teachers” (House of Commons 2008a, 34). Published in May 2011, the Home Affairs Select Committee Eight report *Forced Marriage* shows a general lack of improvement in this arena. “Despite some initial encouragement from Government” - argues Jasvinder Sanghera from

Karma Nirvana, an NGO closely working with the Forced Marriage Unit – “there is evidence that the statutory guidance is not being implemented on the ground” (House of Commons 2011, 23).

(3) Training of Educational Professionals

The use of the practical guidance for educational professionals dealing with cases of forced marriage published in 2005 (FCO 2005) illustrates the mismatch between the availability of tools on the one hand and the lack of a clear national strategy guiding their adoption throughout the territory on the other hand. Even though staff training on forced marriage is offered to frontline staff across the LAs examined, such training is not considered to be either core or mandatory. As a result, levels of knowledge and awareness of forced marriage vary significantly even within the same agency or educational institution - consistently with what Kazimirski et al. found (Kazimirski et al. 2009, 32). Despite being familiar with these and other forced marriage guidelines published by the Forced Marriage Unit over the past few years, many respondents in statutory agencies and educational facilities had received no training based on such guidelines. Of those who had received such training, several were unable to explain the steps to be undertaken in order to report and deal with a forced marriage case.

Respondents quoted the non-statutory nature of the guidelines, the lack of adequate training for educational professionals, and the scarceness of financial resources as the most important obstacles to scale up successful local prevention initiatives against forced marriage in the field of education. Additionally, several school staffers mentioned the inability to cope with the increasing workload as undermining their efforts to learn dealing with forced marriage prevention and detection. The DCSF Violence against Women and Girls (VAWG) Advisory Group confirm this claim, stating that “schools are bombarded with initiatives”, while concurrently advocating for the introduction of a new VAWG guidance to “clearly link the role of schools ending VAWG to all the existing

initiatives that they currently meet” (DCSF 2010, 14). According to the Advisory Group, such guidance “will help schools to understand VAWG and place it within their existing school priorities”, allowing school staff to fully grasp the “ways in which schools can help prevent and deal with the effects of VAWG, some of which will not be obvious to schools” (DCSF 2010, 14). Clearly, the introduction of new guidelines is insufficient to ensure its application. Subsequently, the VAWG Advisory Group advocates for an increase in LAs’ monitoring powers in this field: “the implementation of the guidance and of existing duties (including the gender equality duty) should be monitored [by local authorities], and resources should be allocated to this” (DCSF 2010, 14).

London

In order to fully understand the nature of forced marriage prevention policies and rhetoric in London, it is important to summarize the distinct administrative structure of the city. The administration of London is formed of two tiers - a citywide, strategic tier, and a local tier. The Greater London Authority (GLA) is the top-tier administrative body for Greater London. Established in 2000, it is a strategic regional authority with a directly elected mayor – currently Boris Johnson, elected in 2008 with the Conservative party. A unique structure in the British local government system, the Greater London Authority is responsible only for some of the services relevant to forced marriage prevention – most notably, policing. It has no powers over the delivery of other services key to the prevention of the practice – such as education or domestic violence.

Greater London – the area administered by the GLA - is divided into 32 London boroughs, each governed by a London borough council; and the City of London, which has a unique government. These various authorities are usually considered as equivalent to unitary authorities (a kind of local authority), but not legally defined as such. Responsible for services such as child protection and domestic violence, these LAs have

limited powers in the field of education - as it will be discussed in the following sections.

The London Domestic Violence Strategies

Within this administrative framework, most forced marriage prevention initiatives in London until recently have been undertaken in the context of existing domestic violence services. Despite lacking direct authority over the development and delivery of such services, the Mayor of London can play an important role in building partnerships amongst various agencies involved in the efforts to tackle domestic violence, encouraging dialogue amongst all the stakeholders involved in such efforts, and building partnerships amongst voluntary and statutory agencies.

Published in 2001 under the aegis of former Labour Mayor Ken Livingstone, the first *London Domestic Violence Strategy* (GLA 2001) “sets out a vision for how domestic violence should be addressed in London and details how this can be achieved” (GLA 2001, 20). The issue of forced marriage is explicitly mentioned in the strategy only once – in reference to the use of mediation in case of abuse (GLA 2001, 60). Echoing Southall Black Sisters’ perspective on the matter (SBS 2001), and in contrast with what at the time was the government’s official position (Home Office 2000), the strategy argues that “although mediation is a useful option in some situations of conflict resolution, it cannot be advocated in situations of abuse” (GLA 2001, 60).

Four years later, the *Second London Domestic Violence Strategy* (GLA 2005) took an even more explicit approach towards forced marriage, reflecting the rapid and far-reaching national developments which had taken place since the publication of the first strategy in November 2001 – namely, the creation of the Forced Marriage Unit, the adoption by the government of an official definition of domestic violence (meant to include acts such as forced marriage), and the change of the government’s official position on mediation. For the first time, forced marriage appears amongst the issues prioritized by the Mayor in the fight against domestic

violence. Despite acknowledging that “some of the changes needed (...) are beyond the jurisdiction of the Mayor (...), the Mayor will provide leadership for London in reducing and preventing domestic violence and encourage other organisations - statutory, private and voluntary - to contribute to realising the vision set out in this strategy” (GLA 2005, 28). Amongst such changes, the document points out the need for “a more holistic approach to addressing the causes of forced marriage rather than a sole focus on legislation” (GLA 2005, 30).

The nature of the GLA authority over different services has clearly affected the implementation of the strategy with regard to forced marriage prevention – notes Davina James-Hanman, responsible for encouraging cooperation on domestic violence amongst all the stakeholders mentioned in the strategy as former director of the Greater London Domestic Violence Project.⁶² In those policy areas where the GLA has effective powers, James-Hanman argues, actions have been successfully undertaken to implement the key recommendations outlined in the strategy – such as the role attributed to the Metropolitan Police in collecting data on forced marriage cases (GLA 2005, 45). The Mayor, in fact, has authority over setting the budget for this service.

Conversely, in the field of education neither the Mayor nor the boroughs have the authority to directly affect the development of forced marriage prevention initiatives. As a result, although several boroughs have developed Domestic Violence packs addressing forced marriage in schools, the lack of coordination between local authorities and individual schools has rendered their implementation difficult. In particular, many respondents consider the absence of a clear LA contact in the Education department with overall responsibility for schools in local government as one of the key obstacles.

According to James-Hanman, political differences could also have contributed to difficulties in coordinating activities in areas not strictly under the GLA authority – a Labour mayor having to work with a

⁶² Interview held in London on 19th April, 2010 with Davina James-Hanman, Home Office Specialist Advisor to the Violence against Women and Girls (VAWG) Team.

majority of Tory boroughs.⁶³ However, even if better cooperation had been possible between the Mayor and the LAs, this would have not been sufficient to act on the decisions of individual schools – due to the current distribution of powers across sub-national levels of government.

As suggested over the course of in-depth semi-structured interviews with two London-based DV coordinators, as well as with the former director of the Greater London Domestic Violence project, the decision to tackle forced unions within a domestic violence framework has been a strategic one. The domestic violence framing has allowed using domestic violence tools (e.g. staff, services, refuges) already available on the field, rather than creating new ones (as in the case of the Forced Marriage Unit at the national level). Undoubtedly, creating *ex novo* a coherent strategic leadership in the Greater London area can be more complex than anywhere else in the country: overall, 33 Local Authorities (including the City of London), 31 primary care trusts, central government departments and non-departmental public bodies are responsible for delivering the key services to domestic violence victims throughout London. Additionally, interviews show that DV coordinators' authority varies from borough to borough, depending on their motivation, charisma, how long they have worked in their LA, and the support they are receiving from the LA administration.

Tower Hamlets

The borough of Tower Hamlets, for instance, has demonstrated significant support for policies tackling domestic violence in general, and forced marriage in particular. The majority of the respondents interviewed in London repeatedly emphasize the proactive leadership of the local DV coordinator in this field. As a result, forced marriage training delivered to local schools has been particularly focused on domestic violence (House of Commons 2008, 332). Specific information on forced marriage,

⁶³ Interview held in London on 19th April, 2010 with Davina James-Hanman, Home Office Specialist Advisor to the Violence against Women and Girls (VAWG) Team.

defined as a form of domestic violence and child abuse, are also available on the Tower Hamlets website, including advice on how to access support, both locally and from the Forced Marriage Unit.

Amongst the various NGOs active in the area, the Ashiana project has been active in providing support for young people at risk or victims of a forced union, liaising with the Home Office and contacting Social Care whilst providing individual support to the young women involved. The Project has also given sessions as part of the borough's Pupil Referral Unit PSHE programme outlining issues, rights and what to do if faced with forced marriage (House of Commons 2008, 332).

While Tower Hamlets provides a valuable example of a borough active in the field of forced marriage prevention through domestic violence, this is not always the case in other boroughs. Despite the efforts to provide some coordination through two Domestic Violence Strategies (GLA 2001, 2005) and a Domestic Violence Forum, there is still much to do in London in order to deal "with the long-term consequences of violence" and to foster "prevention work, aimed at stopping violence from happening in the first place" - as recently pointed out in the *Greater London Authority's Strategy on Violence against Women* (GLA 2009, 17). In particular, the interviews held for this study suggest that the effectiveness of the Domestic Violence Forum in coordinating its members has been severely limited by its lack of financial resources. A statement provided over the course of the Home Affairs Select Committee Sixth Report by a former DV coordinator based in London, Janet Bowstead, confirms these findings. Amongst other relevant obstacles, Bowstead also mentions the inability of its members - whose first priority is their frontline service - to commit to long-term domestic violence prevention programmes, and the lack of support offered by their managers in taking on any multi-agency work (House of Commons 2008, 126).

Overcoming such limitations, the boroughs that have been most effective in implementing a multi-agency domestic violence strategy have been those – such as Tower Hamlets – which have dedicated core funding to

domestic violence coordination, as well as multi-agency administration and functioning. Conversely, scarce results have been achieved by those LAs which only funded part-time Domestic Violence staff, and/or were only able to secure short-term funding for prevention initiatives (House of Commons 2008, 126). “Domestic violence” - Janet Bowsted argues – “by its nature is a long term and complex issue requiring some continuity of multi-agency approach onto which short-term work can build” (House of Commons 2008, 126). Without the security of a long-term financial support, it is impossible to build and maintain the multi-agency infrastructure to complete and evaluate preventive initiatives.

The Greater London Authority’s Strategy on Violence against Women

The London Domestic Violence Strategy was replaced in April 2009 by *The Way Forward: a Call for Action to End Violence against Women* - the new strategy to end violence against women (VAW) sponsored by Boris Johnson, the Conservative Mayor of London. According to the document, “the approach by the previous administration and the current [Labour] Government to date have been piecemeal, and failed to acknowledge the links and connections between all the different forms of violence against women” (GLA 2009, 5). “This fragmented approach fails women and fails London” – the strategy argues (GLA 2009, 18). Such remarks implicitly address one of the key concerns expressed in 2008 by the Committee to End Violence against Women (CEDAW) with regard to the “fragmentation and incoherence in the [British] government’s work on violence against women” (CEDAW 2008, 7).

Referring to the definition adopted by the United Nations, the GLA conceptualizes violence against women as “any act of ‘gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately’” (UN 2006 quoted in GLA 2009, 22). Consistent with the government’s position on the role of “backward cultural traditions” in forced marriage cases, the GLA VAW strategy argues that “violence against women cannot be separated from the

cultures and communities in which it takes place” (GLA 2009, 18). It places prevention at the heart of tackling violence against women, acknowledging that this “has been the weakest part of London’s responses [to VAW], with little investment and little coordination” (GLA 2009, 24-25). It also acknowledges that “the voluntary sector has been at the forefront of developing primary prevention initiatives but needs the commitment of the statutory sector to properly implement them” (GLA 2009, 26). By doing so, the strategy aims to transform London into one of the “first global cities” to put an “integrated strategy focused on prevention” in place (GLA 2009, 18), “linking different forms of violence, [and] their underlying causes”; “tackling all forms of violence together in a joined-up way”; “helping agencies work together to make the best use of resources and deliver what works”; and “acknowledging the inter-reliance of the statutory and voluntary sectors” (GLA 2009, 18-19).

It is unclear how London will achieve such a leading role in the efforts on violence against women in general, and forced marriage in particular. Despite being briefly acknowledged, the fact that “the Mayor does not control the delivery of frontline services”, and that “local authorities have a significant role in delivering and commissioning a wide range of services” is quickly dismissed in the document (GLA 2009, 22). In other words, there is no explicit acknowledgement of the fact that this is a strategy which requires agencies to take actions over which the GLA and the mayor have no control – as often pointed out by London-based respondents working on domestic violence and/or education both in the voluntary and statutory sectors. Given the lack of GLA authority on education, it is impossible for the GLA strategy to influence structural change – rather, change will have to be promoted school by school. Additionally, despite its rhetorical emphasis on the importance of working together, the strategy was published without any preventive partnership development work – whether formal or informal. This contrasts sharply with the structure adopted by the Mayor’s predecessor, Ken Livingstone, whose Domestic Violence Strategy rested on a Steering Group, as well as a

series of domestic violence forums, networks, seminars, consultation exercises with survivors, and feedback from frontline practitioners (GLA 2005, 37). Finally, as argued in the London Assembly's response to *The Way Forward*, "measures [aimed to improve prevention and community support for victims] (...) remain some of the most undeveloped components of The Way Forward document. The result is that, despite its stated aims, the strategy appears to continue London's focus on the criminal justice response to violence against women" (London Assembly 2009, 7).

Birmingham

Birmingham City Council is the largest local authority in the UK. The second-largest urban economy in the United Kingdom and the most populous city outside London, it has a richly diverse population of approximately one million. According to the 2001 census, about thirty per cent of its population belongs to Black and ethnic minority communities. The municipality is run by a Conservative/Liberal Democrat coalition led by Mike Whitby. Contrary to the two-tier structure characterizing London, Birmingham is a type of local authority that has a single tier and is responsible for all local government functions within its area. As the largest authority in Europe, it hosts eight Multi-Agency Risk Assessment Conferences (MARACs). These are police-led multi-agency panels discussing, amongst other issues, high-risk cases of interpersonal or intra-familial abuse such as forced marriage.

As in London, also in Birmingham the development of efficient domestic violence (DV) services – both in the statutory and voluntary sectors - is considered by the majority of the study's respondents to have played a pivotal role in supporting the creation and coordination of local forced marriage prevention initiatives. In particular, respondents from the voluntary sector have stressed the vital role played by the local DV coordinator in acting as honest broker, contributing to the creation of effective working relationships amongst statutory and voluntary agencies.

However, they have also pointed out how her actions are significantly limited by the responsibility to cover a large municipal territory. The administrative structure of the city allows for the existence of only one domestic violence coordinator, covering a population of over a million people (while in London each borough has the possibility to have a local domestic violence coordinator). In turn, this can have unwanted consequences on the level of effective coordination amongst all the relevant stakeholders. For instance, respondents from statutory agencies find that at times the multi-agency approach risks to merely reflect or exacerbate the power differentials amongst various agencies, rather than facilitating meaningful or effective joint working.

While the city council has developed a protocol on forced marriage only since 2008, non-governmental organizations have been active in this field for much longer. Confirming a trend noted by Kazimirski et al. in regard to under-resourced LAs (2009), Birmingham local authorities tend to “rely more heavily on the local voluntary sector and particularly the BME voluntary sector, not only for FM case response but also to co-ordinate a multi-agency FM strategy” (Kazimirski et al. 2009, 29). According to Nasheima Sheik, assistant chief executive at Birmingham Solihull Women’s Aid - one of Birmingham’s leading NGOs in the efforts to tackle VAWG - the delivery of DV services by women’s aid organizations (rather than service providers such as housing services) has helped ensure local service provision is sensitive to the needs of women victims of violence.⁶⁴

Recent cuts in funding to prevention initiatives to the advantage of projects dealing primarily with high-risk cases (i.e. MARACs) have damaged the delivery of such services. They have also further heightened the difficulties posed by the challenging nature of multi-agency coordination in the city – delaying the development of a municipal strategy on violence against women and/or forced marriage. Despite the implementation of training and several conferences on forced marriage

⁶⁴ Interview held by phone on 16th May, 2011 with Nasheima Sheik, assistant chief executive at Birmingham Solihull Women’s Aid.

prevention, and the development of forced marriage protocols, no written document discussing the overall municipal strategy in this area has been published recently – the domestic violence strategy dating back to the early 2000s, before the issue of forced marriage was taken on board by the statutory sector.

The Violence against Women Board

As acknowledged in the Home Affairs Select Committee Sixth report, the city of Birmingham has a strong history of working in partnership with voluntary agencies, particularly with the third sector specialized in domestic violence (House of Commons 2008b, 162). Since 1996, the Domestic Violence (DV) Board - recently renamed Violence against Women (VAW) Board – has coordinated the work in this field. Chaired by the voluntary sector, the VAW board includes senior officers from relevant statutory agencies. According to the City’s Domestic Violence coordinator (recently renamed Violence against Women Strategic Lead), Paula Harding, its work is characterized by a strong strategic ownership of the issue by the organizations involved, which in turn has led to a strong delivery of services at the local level.⁶⁵ The Board – the DV coordinator points out - represents the agencies’ commitment to working together when there is no statutory requirement to do so.⁶⁶ This is reflected in the board’s growing membership, the development of joint working towards initiatives such as multi-agency training, and the creation of a forced marriage protocol.

Until recently, the local police – one of the members of the VAW Board - have been at the forefront of the forced marriage prevention work in the area. Based on the data gathered in preparation to the Ministry of Justice’s study on the initial impact of the Forced Marriage (Civil Protection) Act 2007, virtually all of the forced marriage protection orders (FMPOs) that

⁶⁵ Interview held by phone on 9th May, 2011 with Paula Harding, Violence against Women Strategic Lead at Birmingham City Council.

⁶⁶ Interview held by phone on 9th May, 2011 with Paula Harding, Violence against Women Strategic Lead at Birmingham City Council.

have been applied for in the area – constituting about a quarter of all FMPOs issued to this date in the UK (MOJ 2009) - have come from the Police, and all have been granted. Introduced in November 2008 by the Forced Marriage (Civil Protection) Act, a Forced Marriage Protection Order is a legal document, issued by a judge, which aims to change the behaviour of anyone who is trying to force someone into marriage. It contains legally binding conditions on their behaviour. For instance, the court may order a person or persons to hand over another person's passport or reveal where they are, and if they disobey the order they can be sent to prison for up to two years.

The remarkable success achieved by the police seems to represent an isolated phenomenon. The effectiveness of the VAW Board and of its members' work is challenged by the difficulties of multi-agency coordination at the local level. According to the City's DV Coordinator, while significant progress has been made at the leadership level, the real challenge is to make national and municipal directives get fully transmitted and implemented by frontline practitioners.⁶⁷

Changing Framework: From Domestic Violence to Violence against Women

The City's VAW board's shift from a domestic violence focus to one centred on violence against women mirrors similar changes examined in London in the previous sections. It is consistent with the national developments taking place since 2009 with the publication of the Labour government's Violence against Women and Girls (VAWG) Strategy first, and the Conservative VAWG Narrative more recently. According to Birmingham Domestic Violence Coordinator, Paula Harding, it favours the inclusion of a gender perspective in the efforts tackling forced marriage at the local level.⁶⁸

Far from being a mere formality, the shift from a focus on domestic violence to one on VAWG has had practical repercussions at the local level. Within this new conceptual framework, forced marriage is

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

perceived as a specific kind of crime no longer categorized under the generic label of “domestic violence”. Consistent with such a framing, NGOs specializing in DV issues have experienced increasing difficulties in securing funding for their forced marriage work. As a result, some of them – such as Birmingham and Solihull Women’s Aid – have officially changed their core mission to reflect a broader VAWG focus and secure a continuation of their funding.

Most importantly, the adoption of a VAW focus has encouraged an approach centred on the notion of incidence, rather than patterns of behaviour. By doing so, it implicitly emphasizes the role of the criminal justice system and its core role of responding to incidents and collecting crime figures. Yet, several voluntary sector respondents have questioned the appropriateness of such an approach in the context of a multi- agency approach - whose primary goals is to prevent, protect, educate, hold perpetrators accountable and support victims. An approach centred on incidents has also important consequences on the ways government funds are allocated. As noted by one of London’s former DV coordinators, Janet Bowstead in the Home Affairs Select Committee Sixth report, the adoption of crime figures reported by the Police “as if they encompass domestic violence” has led to a trend “of only considering funding services if they can show that they will affect crime figures” (House of Commons 2008, 127). According to Bowstead, this is especially problematic, as there is “no justification for using crime figures as if they were a proxy for other agencies’ or multi-agency effectiveness” (House of Commons 2008, 127).

A Focus on High-Risk Cases, rather than Prevention

As far as prevention activities in educational facilities are concerned, until recently the Doli Project – a local NGO – was at the forefront in this area. A small association borne from Birmingham’s Pakistani community, the project worked primarily on forced marriage prevention activities in schools. Given its strong connection to the local community, its presence was perceived as very credible by both the women’s movement and the

communities it worked with – as shown by the interviews held with local NGO staffers and representatives from statutory agencies working on forced marriage. In 2009 the Doli project came to an end due to the interruption of government funding coinciding with staff turnover. Since then, no forced marriage prevention activities have taken place in Birmingham's schools due to lack of funding.

Rather than being an issue affecting exclusively forced marriage work, the lack of resources precluded any kind of prevention work concerning domestic violence in schools since 2010. After a decade of work in educational facilities, also Birmingham & Solihull Women's Aid – a leading Birmingham NGO working in this field - ended the implementation of its projects aimed at raising awareness on issues of domestic violence (including forced marriage) due to funding cuts.

These developments show a striking contrast between a national and local rhetoric emphasizing the importance of prevention through educational initiatives, and local realities. As pointed out by Birmingham's DV coordinator Paula Harding, despite general agreement on considering the prevention of domestic violence through education “a fundamental strategic imperative”, the current monitoring and reporting system does not encourage the allocation of resources accordingly, leaving significant discretion to LAs within the current targets set by the Best Value Performance Indicator (House of Commons 2008b, 164). “Good practice” – the coordinator argues in the Home Affairs Select Committee Sixth report – “only goes so far. Compulsion is needed, with the resources to match from national, ministerial level to enable our services to meet the challenge. Never has an issue made the case so strongly for an “invest to save” approach, in both social and economic terms” (House of Commons 2008b, 165). Echoing the position shared by members of the Birmingham voluntary sector during interviews held for this study, Paula Harding advocates the introduction of ring-fenced funding for women's services and for black services, along with the adoption of minimum standards and guidance to steer the actions of LAs in the field of domestic violence and forced marriage prevention (House of Commons 2008b, 165).

Currently, rather than on prevention, the majority of the forced marriage work funded by the local authority and its partners is focused on high-risk cases – as shown by the presence of eight Multi-Agency Risk Assessment Conferences (MARACs). MARACs are part of a coordinated community response to domestic abuse, incorporating representatives from statutory, community and voluntary agencies working with victims/survivors, and the alleged perpetrator. Despite proving to be effective in high-risk cases, MARACs fail to address low and medium risk cases - ignoring issues related to early intervention and primary prevention to the advantage of secondary prevention in the form of exit solutions (Wilson 2010, 72). This is a point stressed in the Home Affairs Select Committee Sixth report (House of Commons 2008b), where Paula Harding states: “our agencies alert us to the dangers that, given the scarcity of resources, the focus on high risk may preclude (...) much of the early intervention and preventative work for which there remains a strategic imperative” (House of Commons 2008b, 164). Despite proving to be a valuable tool in dealing with emergency situations, the focus on MARACs leaves no room for adequate funding of preventive work – especially in schools. In this sense Birmingham constitutes a clear example of the on-going clash between a national rhetoric centred on the importance of prevention through educational initiatives, and local practices aimed to provide forced marriage support and advice with increasingly shrinking budgets.

5.4 CONCLUSION

The previous chapter on British national policies examined the co-existence of two discourses concerning the eradication of forced marriage, accompanied by distinct sets of policy tools. On the one hand, it stressed the presence of a persistent focus on the overseas dimension of the practice – as suggested by the introduction of English language requirements and higher marital age for transnational unions to handle cases involving a foreign spouse. On the other hand, the analysis of recent legislative developments has shown an official rhetoric increasingly

committed to tackle the domestic dimension of forced marriage – symbolized by the reliance on exit strategies through the adoption of the Forced Marriage (Civil Protection) Act 2007, the use of Multi-Agency Risk Assessment Conferences (MARACs), and introduction of the Supporting People programme.

Building on this analysis, this chapter demonstrates *the tension between the recent rhetorical attempt to interpret and frame forced marriage within the broader framework of violence against women* (Home Office 2009, 2010), *and a policy practice which still seems to perceive issues such as forced marriage, “honour” crimes and domestic violence as an isolated matter* (House of Commons 2008b, 165). On the one hand, the inclusion of an explicitly gendered perspective represents the first step towards a more comprehensive approach to violence against women. Since the adoption of an official definition of domestic violence in 2004, and the development of a Home Office VAWG strategy more recently, the theoretical distinction between the two terms is gaining increasing significance for local realities and policies - in recognition of UN, Council of Europe and End Violence Against Women (EVAW) initiatives. On the other hand, however, despite its promises, the Home Office VAWG Strategy (Home Office 2009) fails to undertake several of those steps which are essential for an effective change of perspective in dealing with such issues. For instance, it fails to make the inclusion of gender equality and violence against women and girls in the school curriculum for Personal, Social and Health Education (PSHE) and Sex and Relationship Education (SRE) a statutory requirement. Similarly, it confirms the non-statutory nature of forced marriage training for education professionals – undermining the potential impact of the forced marriage guidelines developed by the Forced Marriage Unit. Simultaneously, local practices continue to privilege initiatives tackling forced marriage on an ad hoc basis – focusing on high-risk cases at the expense of more comprehensive prevention strategies.

In addition, the chapter has discussed – through the focus on two case studies - *the striking contrast between the social construction of the fight against forced marriages as a major political and public concern, and the very limited power and financial resources provided to local authorities.*

Despite the creation of an ad hoc national institution (the Forced Marriage Unit), the UK multi-agency statutory guidelines for dealing with cases of forced marriage state that at the local level “cases should be tackled (...) using existing structure, policies and procedures designed to safeguard children, vulnerable adults and victims of domestic violence” (FCO et al. 2008, 16). According to the local bureaucrats interviewed for this study, situating forced marriage within domestic violence services seems to be the most practical option in terms of utilizing pre-existing services and maximizing the use of existing resources and capacity.

The lack of appropriate services is considered by the Committee on the Elimination of Discrimination against Women (CEDAW) thematic report, which in 2008 questioned the government’s commitment to implementing relevant legislation in the domestic arena due to the lack of adequate resources made available for domestic initiatives (CEDAW 2008, 29). In both London and Birmingham, the development of one-off action plans around isolated issues is accompanied by “poor practice on the ground and a lack of resource in terms of frontline services” (House of Commons 2008b, 165). More specifically, while resources are channelled into the management of high-risk cases through MARACs, many of the services working with lower risk cases have had their funding cut in order to pay for these new institutions – as shown by the analysis of prevention policies in Birmingham, where initiatives in schools have been completely wiped out.

Perverse Effect

Despite acknowledging its contributions, domestic violence coordinators in both London and Birmingham have argued that an approach centred exclusively on high-risk cases may have dangerous unintended consequences on the lives of women and girls who are victims or at risk

of forced marriage. Such an approach leaves unaddressed the needs of those young people who – despite not facing an immediate threat - may benefit from early prevention initiatives. It reduces the likelihood that young people in ethnic minority communities will learn to deal with unwanted marital pressures. In addition, it reduces the chances that people experiencing such pressures will receive support at the early stages of a forced marriage threat - unless the risk they are facing escalates, and their need to be rescued by agencies involved in MARACs becomes urgent. By doing so, an approach focused on high-risk cases risks undermining young people's freedom to marry in ethnic minority communities.

As a matter of fact, MARACs might even fail to address the needs of those women and girls facing an emergency situation. As argued by Imkaan - a national charity working on issues of violence against ethnic minority women and girls – MARACs are “based on the assumption that the woman will move away from the violence straight away, [but] that is not necessarily going to happen. For a lot of our women, leaving is not so easy — they have concerns about the extended family, stigma and ostracism from the community and the availability of services that can understand them. They need support, often over months and years” (House of Commons 2008b, 173). Not only girls and women find leaving their families and communities very difficult - Imkaan's staffers argue in the Home Affairs Sixth report - but also seldom directly disclose the abuse unless seeking to leave. Thus, without long-term work such as prevention, awareness raising and empowerment carried out by specialist services – the staffers claim - many women are unable to discuss their experiences or to acknowledge the abuse they are experiencing (House of Commons 2008b, 172).

In other words, *by focusing exclusively on the provision of exit solutions at the expense of primary prevention, this approach may contribute to a perverse effect* – reducing the likelihood that young people facing a forced marriage will seek/receive any support at all, and forcing some others to stay with the perpetrators of the abuse, rather than escaping them. By doing so, an approach targeting high-risk cases runs the danger

of undermining, rather than enhancing, the freedom of marriage of young people in ethnic minority communities.

Chapter Six:

GENDER RELATIONS AND THE PREVENTION OF FORCED MARRIAGE: THE CASE OF FRANCE.

6.1 POLICIES AGAINST FORCED MARRIAGE: HISTORICAL BACKGROUND AND KEY LEGISLATIVE STEPS (2003 – 2010)

The chapter identifies the different ways that forced marriage prevention was tackled in France at the national level between 2003 and 2008 (with a brief excursus on relevant legislative developments which took place in the summer of 2010). The table below summarizes the main policy and legislative initiatives adopted by the French government to tackle forced unions over this period. Each item - classified on the basis of the regulation/dialogue/exit categorization suggested by Phillips and Dustin (2004), as well as their area of intervention (domestic vs “overseas”) - will be discussed over the course of the chapter.

6.1 Key Policy and Legislative Initiatives

	Regulation	Dialogue	Exit
Domestic Dimension	2006 Law. N. 2006-399 (raise of women’s legal age for marriage) Marriage Registration 2006 Sarkozy Law II (<i>Contrat d’Intégration</i>)	None	Domestic Violence Legislation: 1) 2006 Law n. 2006-399 (Annulment Procedures) 2) 2010 Law n. 2010-769 (introducing aggravating circumstances) Provision of “generalist” refuges

Overseas Dimension	Immigration Regulation: 1) 2003 MISEFEN Law (on bogus marriages, introducing pre-marital hearings) 2) 2006 Law n. 2006- 1376 on validity of marriage 3) 2007 Hortefeux Law (targeting beneficiaries of family reunification)	None	2006 Law. N. 2006-399 (for crimes against minors)
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After examining the nature of the population at risk of forced marriage in the country, the chapter will discuss two controversial issues at the centre of a continuing debate both in the academic literature and amongst policy practitioners – namely, the lack of a juridical definition of forced marriage, and the ideological tensions between feminist and anti-racist movements. Subsequently, the role of immigration and domestic violence legislation will be considered. Particular attention will be devoted to the key policy tools adopted by French authorities to prevent forced unions in these fields: annulment procedures, pre-marital hearings, and the provision of safe accommodations.

Finally, the last section of the chapter will discuss the ways in which the policy instruments prioritized by the French government might contribute to undermine the freedom to marry of young people in minority communities. In order to do so, the characteristics of the policy frames underpinning the choice of each instrument will be analysed. As part of this process, the reasons underlying the choice of “regulation” and “exit” solutions will be explored, as well as the consequences that the lack of an official definition has had on available legislative instruments. The assumptions about the causes of forced marriage underlying current

legislative choices will also be discussed – especially with regard to the interpretation of the practice as caused by an alleged lack of “integration” amongst migrants.

As in the British case, the study will consider the ways in which specific institutional configurations have influenced political interactions in the field of forced marriage prevention - in other words, the “relational character” of institutions (Hall 1986, 19; Thelen & Steinmo 1992, 6). In order to understand the origins and trajectory of French national policies on forced marriage prevention, several questions will be addressed, selected to gain a better insight on how the concerned actors “organize information, define goals, and constrain action” (Bleich 2003, 29) in the field of forced marriage prevention: *What factors led French law-makers to put forced marriage on the Parliamentary agenda, and what elements influenced the timing of their actions? Who favored the development of an approach based on general legislation – rather than on ad hoc laws as in the UK? What factors should be considered in order to account for the resistance to adopt an official definition of the practice - which on the contrary constituted the very first step of any policy action in Great Britain? What finally determined what form forced marriage prevention would take?* This section will reconstruct the first fifteen years of French policy-making on forced marriage prevention in order to answer such questions, stressing three key tendencies which have characterized public authorities’ interventions.

The first element that should be noted is republicans’ ideological resistance to recognizing ethno-racial particularisms, translated into a reluctance to recognize forced marriage as a “special” form of violence, and therefore to adopt any specific forced marriage legislation and definition. This resistance results in two essential differences in the ways in which French and British authorities deal with the prevention of forced unions. Firstly, French authorities have tended to treat the phenomenon within the context of gender equality and women’s rights policies, rather than creating an ad hoc institution as the British Forced Marriage Unit

(Rude-Antoine 2010; Collet et al. 2008). Secondly, despite adopting a similar set of policy instruments (exit solutions), French authorities have opted for the provisions of “generalist” services – in sharp contrast with the preference for “specialist” services targeting ethnic minorities adopted in the UK (at least until recently) (Wilson A. 2007).

The second element peculiar to the French approach is the lack of explicit reference in the public discourse to forced marriage as the product of either ethnic or religious minority cultures – which contrasts with the British tendency to attribute forced marriages to “culture” (Dustin & Phillips 2008), and is consistent with the republican “blindness” for ethno-cultural differences in the public-sphere (Collet & Santelli 2008; Philippe 2010). This has not prevented French authorities from enacting immigration legislation promoting the notion that the most effective way of reducing the incidence of forced marriage is to reduce the number of people marrying overseas spouses – implicitly treating forced marriage as a practice “imported” by foreign cultures (Mekboul 2010). Once again, France and the UK seem to be using similar policy instruments (stricter immigration controls) to deal with forced unions, if in distinct forms (higher legal marriage age for transnational marriages in the UK; marriage registrars and pre-marital hearings in France).

The third and last tendency characterizing the interventions of French authorities – especially under the influence of Nicolas Sarkozy - is the effort to link legislative initiatives aimed at forced marriage prevention to the transformation of immigrants into French *citoyens* (e.g. through the use of “regulation” solutions such as the *contrat d'intégration*).

The French Approach to Forced Marriage: an Overview

In comparison to the UK, in France the fight against forced unions has gained political and scholarly attention only recently. In the late 1990s, the mobilization of non-governmental associations and regional delegations for women's rights and equality - particularly in the Île-de-France region – as well as a few cases of forced marriages reported by the

media, contributed to raise the profile of phenomenon – adding to the debate surrounding other traditional practices concerning ethnic minority women (i.e. female genital mutilation (FGM) and the wearing of the Islamic veil).

As in the UK, a pivotal role in raising awareness on the issue was played by a number of women's groups and ethnic minority associations – with or without specific expertise on forced unions - such as MFPPF

(*Mouvement français pour le planning familial*), GAMS (*Groupe de femmes pour l'abolition des mutilations sexuelles et autres pratiques néfastes affectant la santé des femmes et des enfants*), Elele (*Elele Migrations et cultures de Turquie*), *Voix de Femmes*, *Voix d'Elles Rebelles*, *Fatoumata (L'association Fatoumata pour l'émancipation des femmes - AFEF)*, and *Ni Putes Ni Soumises*. While these associations have provided support to the victims of forced marriage since the 1990s, it is only with the beginning of the new century that French public authorities have officially acknowledged the magnitude of the phenomenon and taken active measures to curb and limit it.

Despite the resistance to adopt any official definition of the practice, over the past decade several legislative changes have been introduced, providing more targeted tools against forced marriages. As suggested over the course of an interview by Beate Collet – co-author of one of the first scholarly studies on forced marriage in France (Collet & Santelli 2008; Collet et al. 2008) - the government's actions are guided by two key policy lines: on the one hand, the control of immigration related to marriage; on the other hand, the fight against domestic violence (forced marriage being both a form of violence against women, and a form of parental violence in the case the victim is a minor).⁶⁹

Consistent with Collet's argument, until recently two key institutional actors were in charge of the government's efforts against forced marriage: the ministry of Social Affairs (especially the DPM section, *Direction de la Population et des Migrations*), and the ministry of Parity and

⁶⁹ Interview held in Paris on 27th May, 2009 with Dr. Beate Collet (Université Paris IV), member of a research team led by INED (*Institut National Etudes Démographiques*).

Professional Equality. These ministries framed their efforts within the broader issue of immigrants' integration and the fight against domestic violence, working with the associational sector in prevention efforts and to provide support to young victims (Petek 2004).

These dynamics have significantly changed over the past five years. Under the Sarkozy presidency domestic violence and violence against women have become less important, becoming the priority of a sub-section (*Secrétariat d'Etat à la Famille et à la Solidarité*) of the Ministry of Labour (now *Ministère du Travail, de l'Emploi et de la Santé*), whose role and power – according to several associational actors - are not as clear and strong as when it was a ministry on its own (the ministry of Parity and Professional Equality). Additionally, violence against immigrant women is now implicitly perceived as a special category, first under the aegis of the Ministry of Immigration (*Ministère de l'Immigration, de l'Intégration, de l'Identité Nationale et du Développement Solidaire*), and now under the Ministry of the Interior. Created in 2007 and strongly supported by the French public, the Ministry of Immigration had been criticized for its nationalist and xenophobic overtones not only by the opposition Socialist Party (PS) and migrants' associations, but also by the Christian democratic Union for French Democracy (UDF) and the Catholic Church (Marthaler 2008, 382). According to its opponents, the involvement of the Ministry of Immigration in the prevention of forced unions has implied a tendency to understand the phenomenon of forced marriage primarily in terms of lack or failure of “*intégration*” of migrants and their children - carrying the risk of stigmatizing entire minority communities for something practiced only by a few of their members.

As this preliminary review of the key national institutional actors reveals, a striking contradiction characterizes current French policies on forced marriage. On the one hand, French public authorities have explicitly framed the phenomenon as an issue of violence against women (Collet et al. 2008; Philippe 2010), rather than a cultural practice – in contrast to the conceptualization dominant amongst British authorities. On the other

hand, the policies and rhetoric promoted by the Ministry of Immigration to reduce the number of people marrying overseas spouses seem to contradict such a stance. By presenting forced marriage as the result of a lack or failure of integration to French republican beliefs and values, the Ministry implicitly treats the practice as something alien to French tradition, a form of violence specific to immigrant minorities, a tradition “imported” by foreign cultures. As a result – due to the prioritization of immigration controls in the prevention of forced marriage by the current governments and its predecessors - a national rhetoric formally framing forced marriage as an issue of violence against women is in practice accompanied by a “culturalist” interpretation of the practice. In other words, the formal denial of cultural differences is contradicted by the enactment of policies that imply them.

Building on these first preliminary considerations, the empirical evidence presented over the course of the chapter will demonstrate that specific policy frames have oriented French actors and propelled policy in two opposite yet coexisting directions, rendering the selection of certain policy tools easier than others. Rather than a static relationship, the evidence gathered will show that the relationship between ideas and the relevant actors is interactive. Key actors have tried – with different degrees of success – to use ideas to advance their goals and interests. As suggested by Bleich (2003), the influence of policy frames on policy outcomes is twofold: “first, because they help formulate actors’ interests, and second, because actors can tap into existing frames to try to obtain their goals” (Bleich 2003, 31).

More specifically, resistance to recognizing ethno-racial particularisms – consistent with the Republican ideology of immigrant incorporation (Guiné & Moreno Fuentes 2007) – has prevented the adoption of ad hoc forced marriage legislation and a legal definition of the practice.

Simultaneously, it has favoured the use of exit solutions within existing legislation, encouraging the framing of the practice as “a form of violence which aims at allowing men to impose sexual relationships to young women” (DRDFE 2002, 4-5, translated by the author) – in other words, as

a subset of the broader phenomenon of violence against women (DRDFE 2002; 2004; 2006a; 2006b).

Simultaneously, the conceptualization of forced marriage as a form of violence against women - rather than as the product of minority cultures - has not prevented the development of a prevention rhetoric strongly based on the promotion of immigrant integration through regulation solutions (Clark & Richards 2008) – at least at the national level. By linking the eradication of the practice to the transformation of immigrants into French citizens with the contract of integration, the allegedly neutral French approach to forced marriage seems to bring “culture” back in. The abandonment of “backward” cultural traditions in favour of French universalism becomes a pre-requisite for a successful prevention of violence against women.

Before having a closer look at the ideas inspiring French regulation of forced marriage and the related policy instruments, it is worthwhile to briefly consider the nature of the population most affected by the practice. Subsequently, the key steps concerning the development of French legislation in this field will be summarized, and the conceptualization of forced marriage underpinning them will be unpacked in the process. In particular, relevant legislation enacted between 2003 and 2010 will be examined – with a focus on immigration and domestic violence legislation, as well as on the recent debate over the criminalization of the practice. Finally, these elements will be reviewed in order to discuss the ways in which they might contribute to undermine the freedom of marriage for young people of ethnic minority origin.

Affected Population

As argued by a study commissioned by the Council of Europe, the most affected populations include immigrant communities from West Africa (in particular from Mali, Mauritania and Senegal), as well as from Maghreb, Turkey and – to a lesser extent - South-East Asia (Rude-

Antoine 2005, 24). According to Claudine Philippe, co-author of one of the first scholarly studies on forced marriage in France (Santelli & Collet 2008; Collet & Santelli 2008; Collet et al. 2008), the growing political interest in the phenomenon of forced marriage is underpinned by a paradox (Philippe 2010, 60). On the one hand, the increasing awareness of the existence of the practice on French soil has contributed to putting the issue on the public agenda. On the other hand, the nature of the issue renders extremely difficult any precise quantification of its effective dimension - as confirmed by the fact that the reliability and the meaning of official estimates have been repeatedly questioned since their first publication by the *Haut Conseil à l'Intégration* in 2003 (HCI 2003). According to such estimates, more than 70,000 young women would be victims of forced marriage in France (HCI 2003) – a figure estimated in 2002 by Isabelle Gillette-Faye, sociologist and director of the non-governmental association GAMS, a feminist organization at the forefront of the efforts against harmful traditional practices in France. Repeatedly accused of not having any scientific basis (Dittgen 2008), the figure was originally estimated by Gillette-Faye in order to encourage public authorities' involvement. It was derived from the number of adolescent girls from 10 to 18 years living in the Ile-de-France and in six *départements* with large immigrant populations potentially *at risk* (rather than victims) of being married without their consent (as they were raised in families originally from countries where forced marriage is practiced). According to Alfred Dittgen (Dittgen 2008), this value was calculated by applying the rate of forced marriages observed amongst different ethnic groups in Africa to young women living in France and belonging to the same ethnic groups. As noted by several commentators (Dittgen 2008; Gresh 2007), such a methodology seems unconvincing. First, because the practices observed in the immigrants' countries of origin are automatically assumed to remain unchanged once the migrants are settled in France, without questioning the impact of the phenomenon of migration on the practice of forced marriage. Second, because it is unclear whether the figure concerning France refers to a stock or a flux – that is, whether it refers to the total number of women who have been victim of a

forced union, or to the amount of women who are forced to marry over the course of one year (Dittgen 2005).

Despite its controversial nature, the official estimate of 70,000 cases continues to be used in policy documents and by leading national media – contributing to the creation of an aura of increasing alarmism around the practice. Most notably, in 2005 the *Commission Nationale Consultative des Droits de l'Homme* (CNCDH) stated that the practice of forced marriage remains “a particularly worrying social phenomenon” (Voix de Femmes 2009, 2, translated by the author). Overall, commentators agree it is not marginal and most likely growing, even – paradoxically – when the practice is in decline in the countries of origin (Clark & Richards 2008, 502). Similarly, the majority of associations working on this issue agree on signalling an increase of the incidence of the practice across all affected communities (Neyrand et al. 2008, 33). However, it is important to mention that many NGOs have only recently introduced the category of forced marriage, while many others deal with the practice within the broader framework of other issues (i.e. domestic violence) (Neyrand et al. 2008, 33), so that estimates might be affected by different categorizations of the practice.

It should be noted, however, that recent studies led by the *Institut National d'Etudes Démographiques* (INED) suggest a decrease in the practice amongst younger generations (Hamel 2010, 1) – contradicting the findings of the voluntary sector. As pointed out by Christelle Hamel - a sociologist at INED - during a session dedicated to forced marriage and honour crimes held at the Senate on March 8, 2010, “it is a paradoxical situation: on the one hand, there are fewer forced marriages; on the other hand, the associations are faced by an increased number of requests” (Hamel 2010, 1, translated by the author). According to Hamel, such a contradiction can be explained by considering the sociological characteristics of contemporary French society in general, and of forced marriage victims in particular. The latter – whether immigrants or of immigrant origin – are usually better qualified than the previous

generations, and with a better knowledge of French society, its values and its institutions. Thus, they are in a better position to refuse or denounce a forced union than their parents or grandparents ever were. At the same time, Hamel continues, French society is less tolerant of harmful traditional practices than before, offering more tools and venues to openly discuss the practice of forced marriage (Hamel 2010, 1).

The difficulty of collecting statistical data on race and ethnicity – consistent with the French republican approach to immigrants’ integration – represents a serious obstacle to conducting any in-depth analysis on harmful traditional practices in France, as shown by Anouk Guiné and Francisco Javier Moreno Fuentes in their study on female genital mutilation in France (Guiné & Moreno Fuentes 2007, 490). Since the 1979 Law for Data Protection (*Loi Informatique et Libertés*), the collection of data which could be used to question the idea of a national community of citizens (i.e. ethnic origin), or threat to individual liberties (i.e. religion), is severely restricted (Guiné & Moreno Fuentes 2007, 490). In contrast to the lack of systematic studies at the national level, research conducted on a smaller scale over the past few years has provided evidence confirming the existence of the practice. In 2005, the findings of a quantitative and qualitative survey commissioned by the *Délégation Régionale aux Droits des Femmes et à l’Egalité* (DRDFE 2006a) of the Rhône-Alpes region (whose capital is Lyon) registered 52 cases of forced marriage reported to the authorities. According to the authors of the study, this figure represents “only a very low estimate of the number of forced marriages in the [Rhône] department” (DRDFE 2006a, 4, translated by the author), as it leaves out all those young women who do not dare denounce their situation. These findings have been confirmed by the relevant NGOs working on the issue in the Lyon area.

The Rhône-Alpes region has not been the only locality contributing to a better understanding of the phenomenon of forced marriage in France with relevant field research. In 2006, for instance, the *Cellule de Traitement des Signalements en Urgence* (TSU) – a public institution working on child protection in Paris - conducted an internal study on

forced marriages, which showed that forced unions accounted for 1.3% of total reports concerning minors in danger. Similarly, since November 2006, the *Observatoire des Violences Envers les Femmes* (OVEF) of the Seine-Saint-Denis department (a borough situated at the north-east periphery of Paris) has kept a registry of all cases of forced marriage as result of the official launch of the departmental Protocol against forced marriages (*Protocole départemental de lutte contre les mariages forcés*) under the aegis of the *Conseil Général* of the Seine-Saint-Denis (Collet et al. 2008). However, at the moment such data are not available in a statistical format, rendering difficult the analysis of current trends in the nature and evolution of the practice.

Whatever the effective extents of the phenomenon of forced marriage may be, data shows that the number of mixed marriages celebrated abroad (sometimes defined as “transnational”, in which one of the spouses is not a French citizen) is increasing – counting approximately 45,000 unions celebrated per year. These unions are considered with suspicion by French public authorities, given the possibility that a young French citizen might be forced into a transnational marriage to sponsor the partner’s visa. While such marriages are not necessarily synonymous of forced unions, it is undeniable that the number of mixed marriages celebrated abroad, which most often include a French woman and a bi-national or foreign citizen, is steadily increasing, and is greater than the total of mixed marriages celebrated in France (Mekboul 2010, 71). Such a sense of mounting alarm is strengthened by the experience of the associational sector, which has registered an increase in the number of *reported* cases of forced marriage – even though, due to the lack of an official definition of the practice, it is unclear whether French NGOs are all using the same criteria to classify forced unions (Neyrand et al. 20008).

According to Sarah Mekboul (Mekboul 2010), criminologist and co-author with Gérard Neyrand and Abdelhafid Hammouche of the first national research effort on forced marriage in the country (Neyrand et al. 2008), the increase in the number of cases brought to the attention of French associations is likely to be the result of the gradual emancipation

of French women of immigrant origin derived from living in the French society. The very experience of living in France – Mekboul argues - contributes to the development of conflicting systems of values amongst different generations within ethnic minority communities. Women in such communities more and more frequently tend to oppose arranged marriages - once accepted without resistance (Mekboul 2010, 71) - which can be considered as the result of parental attempts to maintain social and sexual control over their children.

The lack of reliable data not only makes precise estimate of the magnitude of the phenomenon impossible, but also renders it difficult to evaluate the ethnic origin of the people affected by the practice – with relevant consequences on the quality of service provisions and prevention strategies. Even though it is legal to collect statistics concerning national origins, sub-national institutions dealing with forced marriage cases usually gather such data in an uncoordinated, unsystematic manner – rendering their use for monitoring and evaluation purposes particularly challenging.

Although still a minority of the total number of forced marriage victims in France, interviews held in 2010 with two of France's leading NGOs in this field – GAMS and *Voix de Femmes* – pointed at an increase in the number of forced marriage cases involving young women of South Asian origin. As suggested by representatives of these two organizations - Christine Jama (director of *Voix de Femmes*)⁷⁰ and Justine Rocherieux (staff member at GAMS)⁷¹ - the larger number of cases registered in recent years in South Asian communities might be due in part to an increase in the willingness of the victims to denounce the violence they experience within their families, rather than to an increase in the practice itself.

⁷⁰ Interview held in Paris on 17th July, 2010 with *Voix de Femmes* staffer Christine Jama.

⁷¹ Interview held in Paris on 1st July, 2010 with GAMS activist Justine Rocherieux.

Annulment Proceedings

At the moment the only reliable national data available regarding forced marriage concerns the number of requests for annulment of a forced union. As in Great Britain, French public officials may seek the annulment of a marriage that was celebrated without the consent of the parties. Available legislation distinguishes between the annulment due to the lack of consent (*absence du consentement*) and annulment due to the coerced extortion of consent (*vice du consentement*). Until recently, annulment proceedings could only be launched in case of lack of consent - that is to say, in those cases where it is possible to prove an objective cause of absolute nullity of the marriage, such as the existence of family ties, bigamy, or the non-appearance of spouses at marriage (Rude-Antoine 2010, 103). However, following the Law of April 4, 2006 targeting domestic violence, prosecutors are now able to bring an action for nullity of marriage in case of coerced consent – which is more often the case in the event of a forced union. Violence, coercion, threats, and reverential fear are considered the circumstances justifying the annulment due to the coerced extortion of consent (Rude-Antoine 2010, 103).

It should be noted that, in the case of coerced consent, only the spouse(s) can initiate proceedings for nullity of marriage. As pointed out by Rude-Antoine in her study on forced marriage prevention, this restriction on the burden of proof severely limits the effectiveness of annulment proceedings as an instrument against forced marriages (Rude-Antoine 2010, 104). As suggested by NGO staffers directly working with forced marriage victims, the delicate psychological and physical condition in which victims often find themselves renders extremely challenging for her/him to take the initiative to annul the union.⁷² Additionally, sometimes victims might not even be aware of the possibility to annul the marriage they were forced to accept.

Despite being an important corollary to any actions against forced marriages, annulment proceedings present important limitations; they are

⁷² Interviews held in Paris between July 2010 and December 2010 with staffers from Elele, Eller, GAMS, MFPP, Voix de Femmes.

obviously bound to take place *after* the union has already occurred, proving of limited value in any preventive strategy – except for their deterring power. As pointed out by Stéphane Hardouin, deputy public prosecutor (*substitute du procureur*), over the course of a departmental initiative on forced marriage prevention, the priority is for public authorities to act in advance - *before* a forced union takes place (DRDFE 2002, 51). “It is by supporting the person and encouraging her/him to act [in advance] that justice will be more likely” – Hardouin suggests (DRDFE 2002, 51, translated by the author). For these reasons, in recent years French legislators have manifested a preference for a rhetoric focused on prevention strategies in general (Neyrand et al. 2008), and pre-marital hearings in particular, as key policy tools in the efforts to limit and prevent forced marriage. The following section will provide an introduction to the early years of French policy on forced marriage in order to set the stage for the analysis of such tools.

The Early Years

The first years (2001-2005) of French policy making on forced marriage confirm the reluctance of French public authorities to engage with issues related to minority cultures in the public sphere – consistent with the republican tradition of immigrant incorporation and its “blindness” to ethno-cultural particularism. Despite some non-governmental associations providing support to victims of the practice since the early 1990s, it is only in the new century that the French government has started to act on issues related to forced marriage – as a result of the media attention devoted to a few high-profile cases, as well as part of the on-going debate on immigrants’ integration (especially under the influence of President Nicolas Sarkozy).

A pivotal turning point in the public visibility of the issue of forced marriage was the abduction of a French young girl of Senegalese origin, Fatoumata Konta, which received wide media resonance in 2001. Visiting Senegal for a short trip during Easter vacation, she was forced to stay in the country against her will by her father, who disapproved of her

relationship with a French young man. As a result of the mobilization of Fatoumata's high school, Jack Lang – then a member of the Socialist party and minister of Education - affirmed his support to Fatoumata by having his personal advisor, Bernard Fontaine, follow the case until the repatriation of the young woman. The media reactions to this story have contributed to the creation of a narrative centred around the image of a young woman who, by opposing her desire for independence to her community's cultural traditions, exemplifies the French ideal of an autonomous woman. As pointed out by Sherene Razack (2004a), this kind of rhetoric requires immigrant youth to free themselves from “tradition, family and community” in order to fully develop their own personality and achieve effective independence (Razack 2004a, 157). By doing so, it implicitly acknowledges forced marriage as primarily the product of cultural differences – in contrast with the official approach to forced marriage as a form of violence against women deprived of any cultural specificity. Such a scheme can be found in a TV movie broadcasted in the same year the Fatoumata affair took place. Titled *Fatou, la Malienne*, it is a fictional story of an eighteen years old girl born in France and destined to marry within the community of origin against her will. Broadcasted several times, screened and discussed in schools, the TV movie further raised the public profile of the fight against forced unions.

As in the case of the killing of Rukhsana Naz in the UK, the abduction of Fatoumata in 2001 helped launch a nation-wide debate over a practice already documented by non-governmental association but largely unknown to the general public, and mostly ignored by public authorities. Although forced marriage was virtually invisible on the political agenda prior to 2001, the attention of French policy makers has gradually increased since then, along with the tendency to see the practice as instrumental to the imposition of stricter immigration controls, and as symptom of the need for greater immigrant integration. To this date, several institutions have addressed the issue of forced marriage at the national level – both in response to the work done by NGOs (Philippe 2010, 62), as well as because of the increasing public scrutiny

accompanying the growing media attention. Amongst such institutions, the most proactive ones include the *Commission nationale consultative des droits de l'homme* (in 1992 first and then in 2005), the *Haut Conseil à l'Intégration* (in 2003), as well as the *Délégation aux droits des femmes et à l'égalité des chances* (in 2004 and 2005) (Neyrand et al. 2008).

To some extent, formal declarations have been accompanied by important legislative changes, showing an increased awareness of the phenomenon amongst public authorities – starting with the approval of a law raising the legal marriage age for women from 15 to 18 in 2005. From a juridical perspective, recent laws on immigration and domestic violence – analysed later in the chapter – have provided victims and public authorities with more powerful tools to tackle forced unions. It should be stressed that, due to the lack of an official definition of forced marriage and of national practice guidelines for local bureaucrats in the relevant sectors (e.g. health, education, police), the interpretation and implementation of national laws is likely to vary across local authorities – as it will be further explained in the next chapter.

Lack of a Juridical Definition

Whereas the British government adopted an official definition of forced marriage since 2000, to date France has not done so. Adjectives such as “arranged”, “traditional”, and “sham”, are often used interchangeably when referring to the practice, leading to a lack of analytical clarity which has translated into legislation - with relevant consequences for the identification of the most appropriate policy tools. The lack of a clear differentiation between forced and arranged marriage is consistent with the republican approach to immigrant incorporation and its refusal to recognize any cultural difference in the public sphere. This refusal implies the opposition to recognise cultural practices such as arranged marriage, which - while practiced mostly by minority cultures - are not necessarily harmful to women. Such an approach contrasts sharply with the tendency of British authorities to stress the arranged/forced differentiation in order to protect the cultural tradition of arranged marriage, while enforcing

legislation aimed at preventing and/or prosecuting forced marriage (An-Na'im 2000).

According to several scholars and activists, avoiding a rigid differentiation between arranged and forced unions renders possible – at least in theory – a more nuanced analysis of the varied forms of coercion that may take place in the continuum that goes from arranged to forced marriage (An-Na'im 2000; Phillips & Dustin 2004, 10-11; Deveaux 2006, 167). Over the course of a roundtable on forced marriage and honour crimes held at the French Senate in March 2010, Catherine Morbois – former regional delegate for Women's Rights in the Ile-de-France region – stressed the continuum of violence upon which forced marriages lie: “a woman may be the target of violent individuals within her own family for various reasons, including the refusal to be drawn into an arranged marriage. (...) The violence represented by forced marriages is part of the continuum of violence against women, continuum which was defined at the World Conference on Women in Beijing in 1995” (Morbois 2010, 1). This perspective echoes the position suggested by An-Na'im (2000) with regard to the British case. According to the author, a closer examination of individual cases indicates that a “sharp dichotomy between arranged and forced marriage may be misleading” (An-Na'im 2000, 2-3). The issue of establishing the boundaries between forced and arranged unions is pragmatically solved by the associations supporting victims: as noted by Sarah Oussekiné at *Voix d'Elles Rebelles* – a feminist association working with women of immigrant origin – “we talk about forced marriage since the girls dare to say no” (translated by the author).⁷³

Despite the lack of an official legislative definition, there is agreement amongst policy makers and activists over the fact that forced marriages are “considered an infringement of individual freedom” and “as acts contrary to the fundamental rights of the person” (Rude Antoine 2010, 100). In general, suggested definitions have tended to focus on the notion

⁷³ Interview held by phone on 22nd May, 2010 with *Voix d'Elles Rebelles*' founder Sarah Oussekiné.

of consent, evolving over time on the basis of bottom-up feedback provided by associations dealing directly with cases of forced marriage. Typically, “a marriage is [considered] forced when at least one party does not consent to marriage and when coercion is used” (Mekboul 2010, 71, translated by the author). Coercion is represented and defined by the means used (both physical and psychological violence), and may have legal recognition (such as in the case of kidnapping and rape).

Justine Rocherieux at GAMS adds: “forced marriage can be defined as a customary, religious and/or civil union concluded without taking into account the aspirations, desires, and consent of each member of the couple” (translated by the author).⁷⁴

Rocherieux’s definition is particularly relevant as it takes into account both civil unions recognized by public institutions (marriages at any effect according to French laws), as well as symbolic, religious or traditional unions – which are often sealed in front of a French official authority only at a later stage. Despite sharing a similar focus on the notion of consent, current French legislation on forced marriage actively targets only civil unions – that is, unions legally recognized by the French state as registered in front of an official authority.

From a legal perspective, the centrality of the concept of consent is reflected by the French Civil Code, which states that “there is no marriage without consent”. According to French law, the consent must be “free and informed”. As Sarah Mekboul points out (2010), in the case of forced marriage violence does not affect the integrity of consent, but its freedom, as the victim is aware of a disadvantageous contract but cannot do otherwise (Mekboul 2010, 75). In this sense, forced unions are distinguished from other vices of consent – as the coercion used prevents consent from being free, rather than being fully informed. Yet, the Code does not clearly define the notion of consent (Rude-Antoine 2010, 103) – rendering its application problematic, just as observed in relation to the British case. While the concept of consent might be appealing as a

⁷⁴ Interview held in Paris on 1st July, 2010 with GAMS activist Justine Rocherieux.

theoretical tool, in practice victims often struggle to identify themselves as being part of a forced union - despite acknowledging being part of an on-going coercive process. Additionally, despite French courts willingness to accept emotional and physical threats as coercively affecting the freedom of consent, the role of other factors remains ambiguous. In particular, it is unclear whether certain factors specific to some minority communities and particularly onerous on women (i.e. “fear of ostracism from the community or notions of shame”, as suggested by Anitha & Gill (2009, 175)) are considered equally relevant by French courts.

An example of the conceptual ambiguity is provided by one of the first documents on forced marriage published by the *Délégation Régionale aux Droits des Femmes et à l'Égalité* in 2004 – devoted to the training of professionals in the Ile-de-France region. “A marriage” - the document argues – “which does not take into account the aspirations of the (...) spouses is defined arranged, coerced, forced” (DRDFE 2004, 76, translated by the author). Such a conceptual ambiguity has been repeatedly confirmed over the course of interviews held in the area of Paris in 2010 and 2011 with representatives from feminist associations. The positions expressed by local bureaucrats have been more varied. Amongst them, possibly the most extreme position has been voiced by Dr. Emmanuelle Piet, responsible for Maternal and Child Protection in the department of the Seine-Saint-Denis and president of a feminist association against rape. When asked whether there is any difference between arranged and forced unions, Piet states that “they are just different ways to call the same thing”⁷⁵ – implying that the French state should not tolerate either, both being expression of cultural traditions discriminatory against women. Piet’s comments are of particular relevance given her pivotal role in initiating efforts against forced unions in the Seine-Saint-Denis department, characterized by the highest percentage of immigrant population in the country.

⁷⁵ Interview held in Paris on 20th November, 2010 with Seine Saint-Denis PMI director Dr. Emmanuelle Piet.

According to Neyrand et al. (2008), the lack of a juridical definition can be considered as one of the factors contributing to the persistence of the practice in France. In the absence of an official definition, it is extremely difficult to quantify the effective scope of the phenomenon, as the only reliable data available concerns the number of requests for annulment of a forced union – which represent only a small percentage of what is supposed to be the total amount of such unions. Additionally, as in the UK, the position of French courts *vis à vis* certain factors affecting the freedom of consent - specific to some minority communities, and particularly onerous on women (Anitha & Gill 2009, 175) – is unclear. As a result, the application of French legislation – based on an ambiguous notion of consent - might impair the assistance of forced marriage victims, failing to consider the full spectrum of factors which might affect the freedom of their consent. In other words, a legislative arsenal built to guarantee the freedom in marital choices might prove to be ill equipped to support the choice of those people who most need it – as it will be further discussed in the last section of the chapter.

Feminism Vs Anti-Racism

Despite failing to provide a juridical definition of forced marriage, French public authorities have actively contributed to stimulate and sponsor scholarly contributions on the issues surrounding the practice, leading to the creation of an academic debate where the fight against forced unions – framed by feminist scholars as defence of women's rights - has at times been criticized by some minority groups as a racist attack towards ethnic minorities. Amongst the first to devote attention and resources to forced unions, institutions such as the *Institut National des Etudes Demographiques* (INED) and the *Direction de la Population et des Migrations* (DPM) commissioned scholarly studies aiming at quantifying the phenomenon in order to obtain a deeper understanding of the practice.

Due to the impossibility of any reliable quantification (because of the lack of an agreed-upon definition, the tendency to not report the practice, as well as the difficulty to collect ethno-racial statistics), the academic debate soon shifted its focus. Early scholarly contributions have launched a continuing debate on the definition of the practice, while unveiling the ways in which the phenomenon has been instrumentalised to stigmatize minority communities (Philippe 2010, 62). More specifically, the studies conducted by Neyrand et al. (2008) and by Collet et al. (2008) represent the first systematic scholarly works providing an analytical framework to examine the practice. Compared to the numerous political declarations of intent on this subject, such research has received scarce media attention - argues Claudine Philippe (2010, 64). The academic community seems to have reacted tepidly to such works, Philippe adds, in sharp contrast to the wide resonance given just a few years earlier to the National Enquiry on Violence against Women in France (*Enquête Nationale sur les Violences envers les Femmes en France* – ENVFF, 2000) (Philippe 2010, 64).

Despite the absence of an effectively nation-wide debate over the issue of forced marriage – partly justified by the marginality (in terms of figures) of the phenomenon itself if compared to the broader issue of violence against women – a more silent ideological debate has accompanied the development of strategies and policies targeting forced unions. Two currents of thought – feminism and anti-racism - have strongly influenced the terms of this debate across the academic, the public and the non-governmental sectors (Philippe 2010, 66; Durand & Krefa 2008). In general terms, representatives of the feminist current tend to welcome public policies aimed at strengthening women's rights – even when this might imply supporting policy initiatives potentially discriminatory towards ethnic minority people, especially with regard to the use of immigration restrictions to monitor transnational marriages. By doing so, as Collet et al. (2008) point out, the efforts of French women's rights groups – such as GAMS and *Ni putes ni soumises* - to protect young people against forced unions might have had the unintentional effect of contributing to the stigmatization of migrant populations.

Indeed, anti-racist supporters – including several minority groups, amongst which the controversial *Mouvement des Indigènes de la République* - fear that feminist initiatives targeting a specific cultural practice might contribute to stigmatize ethnic minority populations and their cultures, especially those from Northern and Western Africa (Philippe 2010, 66). As Philippe notes (2010), these two extremes of the debate on forced unions represent the tension faced by all researchers between unveiling the cultural roots of the practice object of study, and the risk of stigmatizing all members of the culture in question.

Far from being a risk inherent exclusively to feminist works, the danger of stigmatizing minority communities is also present in non-feminist contributions – such as the study on forced unions conducted by Gérard Neyrand (Neyrand et al. 2008), with the collaboration of Abdelhafid Hammouche and Sahra Mekboul under the aegis of CIMERSS (*Centre Interdisciplinaire Méditerranéen d'Etudes et de Recherches en Sciences Sociales*). This work explicitly refers to the issue of cultural conflicts in its title (*Les Mariages Forcés. Conflits Culturels et Réponses Sociales*). By framing the question of forced marriage in terms of conflict between cultures, rather than between conflicting cultural norms, the study might be indirectly contributing to the racialization of marriages and the stigmatization of minority communities. The fine conceptual line between framing forced marriage as the product of conflicts between cultures or between conflicting cultural norms has relevant consequences in terms of the ways in which ethnic minority communities are perceived. While the former perspective tends to reify cultures, the latter attempts at deconstructing the various – and sometimes conflicting – norms composing each culture. Each of these perspectives has consequences beyond the mere theoretical speculation, with important repercussions on the choice of the policy instruments considered most appropriate to tackle the practice. Policies based on culturalist assumptions regarding forced marriage tend to deal with the issue by targeting all members belonging to a specific minority – for instance through immigration regulations disproportionately affecting populations originating from countries where

forced marriage is practiced. Interventions addressing cultural norms, on the contrary, tend to address the discriminatory gender relations which are at basis of such norms – for instance by encouraging the promotion of gender equality through programs addressing both the cultural and the socio-economic roots of the phenomenon.

Far from being relegated to the scholarly debate, conflicting understandings of forced marriage can be observed also in the process leading to the enactment of relevant legislation and the selection of specific policy tools over the past decade. In order to insert such tools in the broader political context, the following sections will review recent changes in French legislation concerning forced marriage prevention. The goal is to offer an in-depth analysis of the most relevant legislative changes, the key institutional actors involved, and how they have affected state efforts to tackle and prevent forced marriage.

The Fight against Forced Marriage: between *Politique de la Ville* and the Ministry of Immigration

An analysis of legislation related to the efforts against forced unions reveals the preference amongst French policy makers for two categories of policy tools: domestic violence legislation, and immigration legislation. This view is echoed by Collet et al. (2008), according to whom the French government's official rhetoric and policies have approached the issue of forced marriage through two key analytical lenses – namely, the promotion of gender equality (through initiatives such as raising the legal age of marriage for girls), and the management of immigration (including measures such as the introduction of pre-marital hearings and the *contrat d'intégration*).

On the one hand, several new laws imposing tighter controls on transnational marriages have addressed the transnational aspect of the practice. Relevant legislation includes the amendment to the code of civil procedure introduced in 1993 to fight bogus marriages (*marriages de*

complaisance), as well as law. n. 2003-1119 (26 November 2003, the so-called MISEFEN law), and law n. 2006-1376 (14 November 2006). On the other hand, legislation addressing domestic violence (law n. 2006-399, 4 April 2006, and law n. 2010-769, 9 July 2010) has also contributed to the management of the phenomenon (Neyrand et al. 2008, 20), offering more powerful tools to protect victims of forced unions on French soil.

Before having a closer look at these legislative changes, it is important to briefly review the institutional actors that have played a key role in such events. Until recently, the Action Funds for the Support of Integration and the Fight against Discrimination (*Fonds d'Action et de Soutien pour l'Intégration et la Lutte contre les Discriminations* - FASILD) were the main channel through which the French government acted on issues related to violence against women (including forced marriage) in ethnic minority communities – whether migrants or French citizens. Created in 2001, FASILD represented the evolution of a pre-existing institution, FAS (*Fonds d'Action sociale pour les travailleurs musulmans d'Algérie en métropole et pour leur famille*), which aimed to encourage the integration of migrant workers and their family. Consistent with the new governmental priorities (immigration, integration, and fight against all discriminations) set by Jacques Chirac with the speech held in Troyes in October 2002 (Chirac, 2002), FASILD expanded the activity of its institutional predecessor to provide financial and institutional support in order to favour the integration not only of immigrant populations, but also that of French citizens of immigrant origin.

With the Sarkozy Presidency, however, important institutional changes have taken place, making urban policies aimed at fostering social integration and equality to become in practice – along with immigration restrictions - the key tool to address the issue of forced marriage. Since 2006 FASILD has been substituted by ACSÉ (*Agence nationale pour la cohésion sociale et l'égalité des chances*), which is responsible for implementing government initiatives on urban policy (the so-called *politique de la ville*), fighting discrimination and promoting equal

opportunities. The *politique de la ville* is a set of government actions aimed at upgrading urban neighbourhoods in order to reduce social inequalities between localities. It includes legislation and regulation in partnership with local authorities. Currently under the aegis of the Ministry of Labour, ACSÉ is now in charge of all actions supporting integration and the fight against forms of discrimination which are not linked to immigrant populations, with a focus on urban disadvantaged areas. Conversely, the Ministry of Immigration – created by Sarkozy in 2007 – was responsible, until its elimination in November 2010, for all issues related to immigration, including violence against migrant women. Since then, the Ministry of Interior has taken on the issues related to immigration.

These institutional changes have significant policy implications, some of which have been vehemently criticized by key representatives of academia and the associational sector. As noted by the French anthropologist Françoise Héritier, both official approaches to forced marriage – whether via immigration or via *politique de la ville* - tend to obscure the universality of gender-based violence (Héritier 2002, 180-190). According to Héritier, by focusing exclusively on selected groups – immigrant and disadvantaged urban communities – they fail to address forced marriage as a form of social control which can and does take place also outside of such groups.

According to Gaye Petek – former director at *Elele*, a recently closed NGO working on, but not exclusively, forced marriage amongst Turkish communities - the separation of forced marriage policies between those targeting immigrants and those targeting disadvantaged areas has the indirect consequence of neglecting an important part of the population at risk of forced unions – namely, those people who are not immigrant, do not live in disadvantaged urban areas, and yet might still be living in communities where forced marriage is practiced.⁷⁶ An example, Petek suggests, is provided by Turkish communities in France, which are not

⁷⁶ Interview held in Paris on 21st September, 2010 with Elele's founder Gaye Petek.

composed by recent immigration, are relatively well-off, often reside in rural areas, and yet are still experiencing cases of forced marriage.⁷⁷

Petek's criticism is of particular importance, as the *Elele*'s former director has also worked in public institutions such as the *Haut Conseil à l'Intégration*, and was a member of the Commission Stasi (founded in 2003 by then President Chirac to reflect upon the application of the *laïcité* principle).

The focus on issues of immigration and integration – Petek continues – which has accompanied the debate over forced marriage especially since the Sarkozy presidency, might also have unintended consequences.⁷⁸ In particular, the use of immigrant restrictions to curb the practice carries the risk of stigmatizing immigrant communities – as also argued by Mekboul (Mekboul 2010). The creation of a sub-category of violence “against immigrant women” under the aegis of the Ministry of Immigration produces the impression of forced marriage as the problem of a foreign culture imported by immigrant parents and husbands. This approach seems to be consistent with the orientalist tendency towards the “culturalization of violence” observed by Razack (2004, 156), where “gender-based violence becomes understood as the inevitable product” of minority cultures – which in turn are presented as the dominant cause of violence against minority women (Enright 2009, 339). Indeed, despite a republican rhetoric which carefully avoids any reference to culture in the public sphere, in practice the use of the *contrat d'intégration* to prevent forced marriage implicitly denotes the phenomenon as the result of a lack of integration – intended as the failure to embrace French allegedly universal values at the advantage of “backward” cultural traditions.

Based on such premises, the following section will review past and current policies aimed at the prevention of forced marriage, focusing on immigration and domestic violence legislation. By doing so, it will stress the contradictions inherent to these policies which have been pointed out by several observers. Critics of such initiatives argue that these, despite

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

being characterized by measures aiming at protecting the rights of victims and people at risk of the practice (through domestic violence and child protection legislation), simultaneously tend to restrict their rights through immigration restrictions - which in turn disproportionately affect ethnic minority young people (who are more likely to engage in a transnational marriage).

Immigration Legislation

The tightening of immigration controls on transnational marriages has been one of the policy instruments favoured by the French government to prevent forced unions, especially under the leadership of Nicolas Sarkozy. Since 2002, indeed, French immigration policy has been largely driven by Sarkozy, as Minister of the Interior, leader of the centre-right UMP (*Union pour un Mouvement Populaire*) and, from 2007, President of the Republic. His discourse and action towards a tougher and more radical stance on immigration control and integration have diverged significantly from the earlier centre-right handling of these issues – as noted by Marthaler (2008, 388). The increased political interest and legislative activity regarding the issue of forced marriage in the years following the 2002 presidential election, in particular, should be interpreted at the light of the re-shaping of the French political landscape after Le Pen's exploit in 2002. Within such a framework, the prevention of forced marriage seems to have become part of the broader political strategy implemented by Sarkozy to gain the support of the French electorate with stricter immigration rules.

By imposing stricter controls on formal marriage procedures, such legislative measures aim at regulating “marriage” as defined in the French civil code – in other words, intended as the union of two people of legal age sealed in front of an official state authority. However, according to Linda Weil-Curiel, a French lawyer with extensive experience on forced marriage cases and founder of the association CAMS (*Commission pour l'Abolition des Mutilations Sexuelles*), these measures are only partially

effective – as forced unions are often celebrated first through religious/traditional ceremonies, sometimes when the victim is much younger than the legal age requested by a civil union.⁷⁹ CAMS stands apart from other French association working on forced marriages as it primarily aims at working through the judicial system to fight against harmful traditional practices (especially FGM, and more recently also forced marriages) – rather than providing direct support to victims.

Despite its limits, immigration legislation has been central in the government's efforts against forced marriage. During his time as Interior Minister, Nicolas Sarkozy heavily influenced the passage of three laws concerning immigration which have had significant impact on the regulation of forced marriage prevention. The first of such laws - known as the MISEFEN Law on Immigration Control, Stay of Foreigners in France, and Citizenship of November 26, 2003 (law n. 2003-1119) – aims, amongst other things, to make it harder to acquire French citizenship through marriage, fighting fraudulent marriages (*mariages blancs*) by imposing stricter requirements for entry into France, family reunification and obtaining citizenship.

Passed three years later, law n. 2006-1376 (November 14, 2006) allows tighter controls on transnational marriages, strengthening the legal arrangements available to public officials to review the validity of marriages before and after the celebration. For unions celebrated in France, the text requires a stricter control of the identity of the applicants for marriage, as well as a hearing of the spouses in case of doubt on the free consent of the parties (forced marriage) or the reality of the marital project (bogus marriage). Marriages celebrated abroad must be preceded by a hearing (one for each spouse) before the consul.

More recently, in 2007, law n. 2007-1631 (November 20, 2007) – known as Hortefeux Law – further tightened the controls on immigration, integration and asylum. The law targets beneficiaries of family reunification, building upon the body of legislation (Law n. 2006-911 on

⁷⁹ Interview held in Paris on 19th October, 2010 with CAMS founder Linda Weil-Curiel,

Immigration and Integration of July – also known as “Sarkozy Law II” - enacted in the wake of the 2005 riots) which created the “contract of integration” in 2006. Such contract, whose signing is mandatory for immigrants who wish to receive a residency permit, requires immigrants to respect and uphold the laws and values of France, as well as to take civic and, if deemed necessary by the government, language courses (Migration Policy Institute 2007, 5-7). Within this framework, the Hortefeux law aims at encouraging immigrant parents to meet their parental responsibilities conformingly to the values of French society. Amongst the issues discussed in the *contrat*, the law considers topics covering the importance of respecting the human body by prohibiting any forms of violence – including mutilation and forced marriages. According to several non-governmental organizations working on the integration of immigrants, today the signing of the *contrat d'intégration* has often become a mere formality, representing a missed opportunity for immigrants to be exposed to the founding values of French society. Due to the alleged inadequacy of its application, separate marital hearings remain one of the most important preventive tools adopted by French authorities in the prevention of forced unions. The following section will explore in greater depth such measure.

Pre-marital Hearings

Along with annulment proceedings– reviewed earlier in this chapter - pre-marital hearings represent the two opposite ends of a continuum of policy tools based on the assessment of free consent. While the former refer to domestic violence legislation and an understanding of the practice within the broader context of violence against women, the latter are engrained on a logic inspired by immigration controls and by a notion of forced marriage as the result of backward cultural traditions - as it will be argued in the following paragraphs.

Enacted in 2003, the MISEFEN Law on Immigration Control, Stay of Foreigners in France, and Citizenship (law 2003-1119 of November 26,

2003) introduced legal provisions specifically designed to detect forced marriages via the imposition of stricter immigration controls in the form of pre-marital hearings. In particular, Art. 74 of the law introduces in Art. 63 of the Civil Code the requirement for registrars to meet with the bride and groom before solemnizing a marriage on French soil. This hearing aims to verify the authenticity of the intention to marry prior to the ceremony. For mixed couples marrying abroad, it is a diplomatic or consular authority which ensures that a separate (or common) hearing takes place. By increasing the chances for a victim to speak about the coercion experienced, such hearings are intended to deter perpetrators from forcing someone to marry (Rude-Antoine 2010, 105).

Aimed at providing measures to verify the authenticity of the marital choice at the moment this is sealed in front of the relevant public officer, pre-marital hearings reflect the centrality of the notion of consent to the eyes of French legislators. As noted by Clark and Richards (2008) in their comparative analysis of French and British prevention legislation, “whereas the English legislature has elected to come to the rescue of victims”, “the French system has focused more trenchantly on the use of officials to detect forced marriages” (Clark & Richards 2008, 507), denoting a preference for “regulation” over “exit” solutions (Phillips & Dustin 2004).

The effectiveness of such measures to reduce forced marriage rates has been questioned by several observers – most recently by Edwige Rude-Antoine, author of a comparison of forced marriage prevention policies across various European countries (Rude-Antoine 2010, 104), and of an in-depth analysis of forced marriage in France (Rude-Antoine 2011). Rude-Antoine stresses the costs necessary to ensure the effective implementation of this legislation – both in terms of time and financial resources needed to adequately train staff (Rude-Antoine 2010, 104-05). Although costly, such trainings are essential for the effective implementation of the new legislation – as argued by Gaye Petek, former director of *Elele*, who has personally been involved in one of the rare

trainings implemented to date.⁸⁰ “Without adequate training” – Petek explains – “it is unlikely that public officers will be able to recognize the signs of a forced marriage, missing the rare opportunity to talk to both spouses” (translated by the author).⁸¹

The prioritization of pre-marital hearings over other forms of prevention is symptomatic of the lack of a clear analytical distinction between forced and bogus marriage amongst policy-makers and in relevant legislation. Missing an official definition of forced marriage, the phenomenon is in practice analysed through the lens of bogus marriages (*mariage de complaisance*, or *mariage blanc*) – a marriage of convenience between two people for practical or financial reasons, especially immigration purposes. According to Mekboul (2010), if such framework seems to provide stronger safeguards to young people facing a forced union, in practice it contributes primarily to identify fraud in marriage (Mekboul 2010; Rude-Antoine 2005, 90).

This tendency is confirmed by the analysis of French jurisprudence, which – in the few cases of arrests where forced marriage is mentioned as main incrimination – has insisted on a vocabulary defining the union as “instrumental” to other purposes (Neyrand et al. 2008, 26). Within this context, the absence of consent amongst victims of forced marriages is rarely analysed from a juridical perspective (Jama 2004, 25). As a result, the impact of the practice on immigration flows is emphasized at the expense of an approach more centred on issues of women’s agency, freedom of choice and individual consent (Rude-Antoine 2005, 90). Indeed, while the role played by registrars (in France) or diplomatic and consular officers (abroad) is central, the role of the victims – Mekboul notes – is “diluted or absent” (Mekboul 2010, 77, translated by the author). All provisions devoted to clarify the nature of the union - from the publication of banns of marriage until the transcription into the public registry - put the public authority, rather than the victim, at the centre of the process of verification.

⁸⁰ Interview held in Paris on 21st September, 2010 with Elele’s founder Gaye Petek.

⁸¹ *Ibid.*

According to Rude-Antoine, the focus on bogus marriage not only detracts attention from a more victim-centred approach, but seems excessive – discriminatory and impractical at the same time - given that it has to be applied to *all* immigrants who intend to get married (Rude-Antoine 2005, 94). As Rude Antoine (2010) notes, it is hard to ignore the controversial aspects of any measures allowing the government to control citizens' freedom to marry (Rude-Antoine 2010, 105). Additionally, the focus on bogus unions tends to limit the development of resources readily available to victims of forced marriage – namely, immediate protection and the provision of a safe place in a refuge (Jama 2004, 28).

For these reasons, it seems that policies emerging from French republicanism, intended to prevent forced unions by fostering gender equality through stricter immigration controls, may lead in practice to a perverse effect, producing outcomes contrary to those intended (Hirschman 2003, 36; Sieber 1981). By diverting resources from services supporting people at risk of forced marriage (Jama 2004, 28), and by introducing controls which are discriminatory towards all immigrants who intend to get married (Rude-Antoine 2005, 90-4) and disproportionately affect French citizens of immigrant origin (who are more likely to marry foreign spouses, as argued by Mekboul 2010, 77), these measures risks undermining - rather than enhancing - the freedom of choice in marriage of young people in ethnic minority communities.

Finally, it should be stressed that, by promoting the notion that the most effective way of reducing the incidence of forced marriage is to reduce the number of people marrying overseas spouses (Mekboul 2010), legislation on pre-marital hearings implicitly treats forced marriage as a practice “imported” by foreign cultures – contradicting the French republican credo according to which all forms of violence against women are equal. In other words, recent legislative changes promoted under the influence of President Sarkozy have contributed to the development of two opposite, yet coexisting, discourses on forced marriage – at least at the national level. On the one hand, a political rhetoric framing the

practice as the result of backward traditions “imported” by foreign cultures, requiring the use of stricter immigration controls and stronger immigrants’ integration. On the other hand, a political discourse conceptualizing forced marriage as a form of domestic violence especially affecting women, which aims at protecting the safety of victims in the first place. It is this latter interpretation that the following section on Domestic Violence Legislation will discuss.

Domestic Violence Legislation

The second set of policy instruments privileged by French public authorities in the prevention of forced marriage is constituted by domestic violence legislation. Within this context, law n. 2006-399 (4 April 2006) on the prevention and repression of domestic violence or acts of violence against minors provides an important protection tool for victims of forced unions by amending the civil code and strengthening existing penal legislation. This law is part of the Comprehensive Plan to Fight against Violence against Women (*Plan global de lutte contre les violences faites aux femmes*). Launched by the government in November 2004, it gathers a set of measures designed to improve support for victims. Initially, the law was supposed to give France a legal arsenal on gender-based violence that includes comprehensive prevention, assistance to victims and repression. Despite failing to provide such a framework, it has the merit of representing some progress to effectively protect victims, including some provisions concerning the fight against forced marriages.

First, as Mekboul points out, a major contribution to the fight against forced marriage (as well as to other forms of domestic violence) provided by this law is the extension of the aggravating circumstances of the crime(s) if the offense is committed by a spouse, cohabitant partner or partner bound by a PACS (*Pacte Civil de Solidarité*, a form of civil union) (art. 132-80 of the Penal Code). This includes the recognition of marital rape and all sexual abuse, whatever the nature of the relationship between the people involved (Mekboul 2010, 75).

Second, with regard to particularly serious crimes against minors, the law allows criminal prosecution outside national borders, an exception to the requirement of art. 113-8 of the Penal Code under which public authorities can only act upon receiving a complaint of the victim or any other relevant party, or an official denunciation of the authority of the country where the crime was committed (Mekboul 2010, 75).

Third, the law on domestic violence has amended the Civil Code, increasing the legal age of marriage for women from 15 to 18 – as it was already the case for men. Unanimously adopted by both houses of Parliament with the backing of all French political parties, this reform was approved with the particular goal of combating forced unions (Clark & Richards 2008, 508).

Finally, the law has allowed the softening of the conditions required to annul a forced marriage, introducing reverential fear (when the agent of pressure is a parental figure) amongst the circumstances justifying the annulment of a union. By doing so, the new legislation has rendered the Civil Code closer to the realities experienced by the victims of the practice. To this aim, the concept of coercion has been expended to include not only physical violence, but also psychological pressures (such as emotional blackmail, or even the simple moral pressure exerted by relatives and/or community members upon the victim). This represents a key development in the efforts against forced unions, given that – as pointed out by Christine Jama at *Voix de Femmes* – “psychological pressure is often more effective than physical violence, and tends to be the main instrument of oppression within the context of a forced marriage”.⁸²

The use of domestic violence legislation to deal with forced unions apparently contrasts with the British approach to forced marriage – which has developed ad hoc legislation with the Forced Marriage (Civil Protection) Act since 2007. According to its supporters, the logic underlying the framing of forced marriage as a form of violence against

⁸² Interviews held in Paris on 17th July, 2010 with *Voix de Femmes* staffer Christine Jama.

women aims at avoiding the dangers associated with its conceptualization as a special form of violence. Recognizing forced marriages as a distinct cultural practice carries the risk of stigmatizing minority communities, labelling forced marriage as a form of violence “entirely different from the violence perpetrated by British men against British women” – as noted by Enright in her study on forced and arranged marriage legislation in the UK (Enright 2009, 339).

Yet, the apparent a-cultural approach of French legislation is contradicted by recent institutional choices. Despite a formal rhetoric which denies the cultural specificity of forced marriage, in practice the management of violence is structured by French authorities in a way that labels violence against immigrant women as different from the violence perpetrated by French men against French women. Since 2007, violence against immigrant women is treated as a separate issue, managed by the Ministry of Immigration (and more recently under the Ministry of Interior) – while all other forms of violence against women are managed by ACSE (with a focus on urban disadvantaged areas). By doing so, French public authorities implicitly associate the phenomenon of forced marriage with a lack of integration amongst immigrants – considered to be carrying values different from those of French republican universalism. In other words, despite a rhetoric focused on gender equality and its “blindness” for minority cultures, the French republican tradition simultaneously conceptualize forced unions as the result of “backward” cultural traditions.

The framing of forced marriage as a form of violence typical of “other” cultures is reflected by the prioritization of immigration controls (in the form of pre-marital hearings and the use of the contract of integration) as preventive tools of choice. Such tools aim at ensuring the integration of migrants into French society *before* these obtain the right to reside on French soil. Consistent with the republican approach to integration, these measures – as pointed out by Luchak (2006) – considers integration as the immigrants’ responsibility, rather than as a two-way process actively engaging both immigrants and host society.

This approach to forced marriage presents relevant similarities with the rhetoric inspiring the solutions devised by British authorities under the aegis of the “politics of belonging” (as defined by Nira Yuval-Davis, 2006). Both countries tend to problematize the persistence of forced marriage as symptomatic of a more abstract problem central to the integration debate - that of a conflict between traditional cultural values and the shared liberal values of Western liberalism. In both France and the UK, the state is presented by national rhetoric as devoid of culture, a carrier of universal de-ethnicised ideas and liberal values – including the respect for human rights in general, and women’s rights in particular (Joppke 2004).

An important difference is that integration in Britain, contrary to France, “does not mean assimilation into a common culture so that original identities are lost” – as pointed out by former Home Secretary David Blunkett in a speech launching the Home Office report *Strength in Diversity* in 2008 (Blunkett, 2008, quoted in Enright 2009, 336). Indeed, while in the UK official rhetoric draws a difference between acceptable and unacceptable cultural diversity (forced marriage being an example of the latter), in France the proper distinction is between the “culture” of outsiders (where forced and arranged marriages originate) and the “culture-free” conditions of the French state.

Despite such important distinctions, both France and the UK seem to adopt a common essentialised conception of “culture”, which frames forced marriage as the product of foreign cultures in conflict with the each country’s liberal values. By ignoring *de facto* the socio-economic factors that contribute to forced marriages – often related to the impact of urban social policies (Rude-Antoine 2005, 8) - in favour of an exclusive focus on the cultural roots of the practice, such a conception of culture carries the risk of undermining the governments’ official aim “of enhancing freedom of choice in marriage” - as argued by Enright in her analysis of the British legislation on forced and arranged marriage (Enright 2009, 333).

Having examined domestic violence and immigration legislation, the following section will be devoted to a brief overview of the role of child protection legislation in tackling forced marriage.

Child Protection Legislation

Child protection legislation – despite being widely used by French authorities to assist minors in forced marriage cases – will not be examined in detail for two reasons. First, it seems to be inspired by conceptualizations of forced marriage very similar to those underpinning domestic violence legislation. Both fields tend to use available legislation to address the phenomenon, focusing on the provision of exit solutions. Second, while domestic violence legislation has been at the centre of an increasingly active legislative debate on forced unions, this has not been the case for child protection. Indeed, while recent changes in domestic violence legislation have explicitly tackled issues related to forced marriage, recent developments in child protection have not directly addressed the phenomenon.

For these reasons, this study has omitted an in-depth analysis of child protection at the national level. Yet, as departmental authorities are in charge for the implementation of child protection legislation (through institutions such as *Aide Sociale pour l'Enfance* - ASE), it is important to briefly summarize a recent legislative development in this field which has had significant consequences on the prevention of forced unions at the local level. Law n. 2007-293 (5 March 2007) redefined departmental priorities to address violence against children, stressing the importance to reinforce prevention activities. By performing regular evaluations in the key phases of a child's health and educational development, it aims at detecting at risk situations in their early stages. Additionally, it mandates in each department the creation of a specialized unit on child protection, active in the educational, social, and medical fields. The unit aims at helping professionals working in these fields to work together and harmonize best practices. Finally, the law diversifies the ways in which

children in danger can be protected outside of their families, without necessarily placing them in a shelter or hosting family.

Criminalizing Forced Marriage?

To date, there is no specific offence of “forcing someone to marry” in French criminal law. However, many other crimes may be committed in the context of a forced marriage - such as rape (which is considered as aggravated if committed by a spouse or if the victim is under 15), kidnapping, child abduction, and making death threats (Voix de Femmes 2009, 3). It should be noted, however, that a loophole in the legislation sometimes allows perpetrators to evade the law, as pointed out by several commentators (Libération 21/06/2010). Art. 113-7 of the new Code of Criminal Procedure requires one of the following conditions to be satisfied in order to try perpetrators in front of French courts: either the victim or the alleged perpetrator must be of French nationality, or the offense must have been committed on French territory. As some victims may not have French nationality, and the crimes might have been committed abroad (often during holidays in the country of origin), victims of forced marriage risk seeing the perpetrators of such crimes go unpunished. In order to eliminate this loophole, several commentators have advocated for introducing derogation from art. 113-7 in the case of forced marriage in connection to the various criminal offenses which can be committed in relation to a forced union – whether in France or abroad (Libération 21/06/2010). Such a request was inspired by the case of female genital mutilation (FGM). Since 2006, indeed, the French legislator has allowed derogating from article 113-7 to punish foreigners practicing FGM over non-French girls resident in France.

The debate over article 113-7 is part of a broader public debate concerning the selection of the most appropriate tools to prevent forced unions and protect victims. Despite widespread agreement over the need for stronger legislative instruments to tackle the phenomenon, the criminalization of the practice has stirred controversies amongst French policy-makers and

activists alike. As in the UK, consideration has been given to the creation of a crime of forcing someone to marry – echoing the debate on the crime of circumcision causing permanent mutilation which had occurred in France less than two decades ago.

The creation of a criminal offence of forcing someone to marry has been proposed for the first time in France by a report published in 2005 (*Femmes de l'Immigration*). Such report was the result of a working group composed of representatives from nine ministries, ten associations and qualified individuals (lawyers, doctors, etc.) under the auspices of the Ministries of Gender and Justice. Published in March 2005, it formulates a set of proposals relating to the personal status of immigrant women and their integration into society. In particular, it advocates for “the protection of victims by the punishment of those responsible for forced marriages with the creation of an offence of constraint to marry, *contrainte au mariage*” (Clark & Richards 2008, 506), punishable with up to three years of imprisonment and a fine of 45,000 euro (which become five years and 75,000 euro if the victim is a minor).

Supporters of this view believe that it would stress the illegal nature of forced marriages, emphasizing the fact that forced marriages should be banned not because they are against French culture and tradition, but because they are against French laws. Once again, the parallels to the case of FGM provide inspiration to those in favour of the criminalization of the practice. As reported by Clark and Richards in their comparative study on the prevention and prohibition of forced marriage, Dekeuwer-Défossez - a leading academic in French family law - believes that considering forced marriage as a criminal offence “would affirm the illegal and illegitimate character of this practice, just as making excision a crime was an effective means of underlining its unacceptable character for French society” (Clark & Richards 2008, 505).

Several non-governmental associations – such as *Mouvement Français pour le Planning Familial* (MFPF) and *Voix de Femmes* – have expressed their concerns about the application of criminal law in complex situations of intra-familial violence. Apart from the availability of existing civil and

criminal law solutions (as pointed out – amongst others - by Edwige Rude-Antoine, jurist and sociologist at CNRS, *L'Express* 24/11/2005), NGO workers often feel that the disadvantages of creating a specific crime of forcing someone to marry would outweigh the advantages. In particular, they fear that the victims could become isolated, and that forced marriage could be driven underground – echoing the kind of concerns shared by British NGOs on this issue.

A different perspective is offered by Linda Weil-Curiel, a lawyer who was at the centre of several high-profile cases of female genital mutilation brought in front of the French Criminal Court (*Cour d'Assises*), and who also has experience working on forced marriage cases. Interviewed in October 2010, Weil-Curiel insists that prosecuting parents involved in a forced marriage is not only advisable, but also necessary for an effective prevention of the practice.⁸³ Prevention – the lawyer and activist notes – is two-fold, being made by both information dissemination and crime repression. Yet, despite being in favour of criminal prosecution, Weil-Curiel is against the creation of a specific crime of forcing someone to marry, feeling that such measure would only contribute to stigmatize the affected populations - without offering any new legislative tools.⁸⁴

Finally, it should be stressed that current calls for the criminalization of forced marriage lack any scientific basis due to the absence of national studies on forced marriage in general, and on the consequences of criminalization in particular. They are also relatively vague and unclear, as they do not specify the procedure under which prosecution would take place (i.e. at what stage legal action should be brought? Who should be responsible for informing the competent authority? Would the prosecution concern only parents, or also immediate relatives who have contributed to the forced union?) (Clark & Richards 2008, 507). On the contrary, local studies – such as two institutional surveys conducted in the Rhone and the Seine-Saint-Denis departments in 2005 and 2006 respectively - stress the

⁸³ Interview held in Paris on 19th October, 2010 with CAMS founder Linda Weil-Curiel,

⁸⁴ *Ibid.*

importance of prioritizing the protection of victims over the introduction of new criminal legislation. More specifically, rather than suggesting the introduction of a specific criminal law against forced marriage, both studies encourage the application of existing penal legislation, tightening up civil remedies and introducing new protection mechanisms based on civil law.

The Concept of Aggravating Circumstance

In December 2008 - three years after the criminalization of the practice was first suggested – Rachida Dati, then minister of Justice, proposed to change the penal code to include the concept of "aggravating circumstance" in order to consider forced unions as an aggravated form of violence (rather than a specific crime). Born in France to Moroccan parents, Dati's contribution is of particular symbolic relevance, having been involved in an arranged marriage – later annulled – due to parental pressures when she was 26. Her statements contributed to bring the issues of forced marriage and its criminalization back to the attention of policy-makers and the general public, re-launching a debate that culminated in 2010 with the approval of new legislation.

Passed in July 2010, the new legislation (law n.2010-769, July 9, 2010) aims at strengthening the protection of victims, prevention and punishment of violence against women. This text is based on the work of the evaluation mission established by the National Assembly in December 2008 and focusing on policies on violence against women. Amongst other changes, the law creates a new *délit* (a criminal infraction considered less serious than a crime by French legislation): the *délit* of forcing someone to marry, leading forced marriage to be considered as an aggravated form of violence. Additionally, the law allows the granting or renewal of residence permits for immigrant women victims of violence who came to France as the result of family reunification. Similarly, a residence permit may be issued to illegal immigrants who have suffered domestic violence.

According to several observers, while anchored in a general context, this proposal has significantly improved the fight against forced marriage in France. In particular, the introduction of the concept of aggravating circumstances for forcing someone to marry (in the case of offences such as violence, acts of torture, cruelty and murder) represents an essential step in the prosecution of perpetrators.

Yet, despite the progress made, the new legislation presents relevant shortcomings - as pointed out in a joint letter to the centre-left newspaper *Libération* by nine representatives of the associational sector and qualified individuals. Published on the eve of the Senate vote in June 2010, the letter stresses the importance of providing adequate training to “judges, consular officers, police officers and police” as an essential condition for the effective implementation of the law (*Libération* 21/06/2010, translated by the author).

Additionally, during the course of an interview held in the aftermath of the Senate vote, one of the co-signers - Christine Jama at *Voix de Femmes* - stressed the importance of considering it as an aggravating circumstance if the following offenses are committed by a relative: kidnapping, violence, torture and cruelty, murder and assassination – as it is often the brothers, cousins and uncles who commit such crimes to protect the family’s honour, rather than the husband himself.⁸⁵

Finally, the co-signers argue that “it is regrettable that the offenses of kidnapping young girls and women in their countries of origin have not been taken into account”, as “victims (...) are often sent under coercion to the country of origin of [their] parents to be married according to tradition or to be “put back into the right path”” (*Libération* 21/06/2010, translated by the author). The authors insist on the role of French legislation in the protection of “all victims, without exception, whatever their nationality” (*Libération* 21/06/2010, translated by the author). The stress on the importance of acting beyond French borders has often been mentioned also during the interviews held with French experts and activists, who

⁸⁵ Interview held in Paris on 17th July 2010 with *Voix de Femmes* staffer Christine Jama.

have pointed to the work of the British Forced Marriage Unit as an example to follow.

6.3 ANALYSIS OF POLICY INSTRUMENTS

The Influence of the Republican Model of Incorporation

Despite the common choice to avoid – at least for the time being – criminalizing forced marriage, the French and British institutional approaches to forced unions remain remarkably different, if not opposite.

In particular, four elements can be considered to best symbolize the essential differences between France and the UK in this field.

First, the lack of an official definition of the practice in the French case, which stands in sharp contrast with the efforts made by British public institutions and associational sector to agree on a common juridical definition; second, the French decision to recur to existing institutions to manage national and local efforts against forced unions – as opposed to the creation of the Forced Marriage Unit in 2000; third, the use of French domestic violence legislation *vis à vis* the enactment of the Forced Marriage (Civil) Protection Act in 2007; finally, the insistence by French official political discourse to frame forced marriage as an issue of violence against women, as opposed to its British conceptualization as a backward cultural practice.

Building on these considerations – and following the analytical approach suggested by Guiné and Moreno Fuentes (2007) in their study on French and British policies on female genital mutilation (FGM) - *this study argues that the institutional responses to forced marriage have varied with the models of integration defined by each country to deal with ethnic diversity*. Clearly, the existence of important differences between the official discourse and policies finally implemented is acknowledged. On the one hand, the British multicultural model of incorporation of immigrant populations - with its recent promotion of community cohesion and its decade-long public recognition of issues of diversity - has contributed to the identification of the needs of the ethnic minorities most

affected by the phenomenon (Wilson A. 2007; Guiné & Moreno Fuentes 2007). Over the past decade, the UK has not only created an ad hoc institution (the Forced Marriage Unit) to target this specific form of violence, and enacted ad hoc legislation with the Forced Marriage (Civil Protection) Act, but has also provided specialist services to victims and people at risk of forced marriage. These actions have been preceded by the adoption of a common juridical definition marking a clear distinction between arranged and forced marriage. Institutional and associational representatives of minority communities have particularly insisted on the creation of an official definition as a tool to distinguish forced marriage from the phenomenon of arranged marriage – which is legal and considered as a cultural tradition not challenging the liberal values of British society (Wilson A. 2007; Anitha & Gill 2009; Enright 2009).

On the other hand, the French republican model of immigrant incorporation, with its restless promotion of common values in the public sphere, has avoided any acknowledgement of the diverse nature of forced marriage - considering it instead as a sub-set of the broader phenomenon of violence against women (Rude-Antoine 2010; Collet et al. 2008; Collet & Santelli 2008). To this aim, the use of existing legislation and institutions has been deemed sufficient to tackle the phenomenon. It is in this context that the lack of an official definition of the practice should be interpreted: as argued by the *Délégation Régionale aux Droits des Femmes et à l'Égalité* in the Ile-de-France region in 2002, forced marriages are “a sexist violence”, “a form of sexual aggression (...) labelled “forced marriage”” (DRDFE 2002, 4-5, translated by the author), which should be managed with existing legislative tools by existing public bodies. Far from symbolizing the absence of a clear perspective on the issue of forced marriage, the absence of a juridical definition is consistent with the republican refusal or recognizing ethno-cultural and religious diversity in the public sphere (Guiné & Moreno Fuentes 2007) – including the field of violence against women. Additionally, the avoidance to define forced marriage sometimes seems to imply a

condemnation of arranged unions – intended as representative of cultural traditions external to the Republican universalism.

In turn, the denial of all cultural particularism in name of the alleged universalism of French values, based on the promotion of human rights, has significantly shaped the institutional responses offered by French public authorities – albeit in different ways at different institutional levels. At the national level, the understanding of the practice as violence against women is framed primarily within the context of the debate on immigrants’ integration (Rude Antoine 2010). This emphasis favours the adoption of policy instruments imposing stricter controls on transnational marriages through pre-marital hearings. In contrast, “regulation” solutions (Phillips & Dustin 2004) seem to play a much less significant role at the regional, departmental, and municipal level – as it will be discussed in the next chapter. At the sub-national level, local practices demonstrate the central role – rarely mentioned by official public rhetoric - played by various forms of “exit” solutions.

Perverse Effect

Despite arguing that the French and British institutional responses to forced marriage have tended to vary with the models of integration defined by each country to deal with ethnic diversity, *the study hypothesizes a common trend in the ways French and British public authorities frame forced marriage and the policies aimed at the prevention of the practice*. In turn, such framings - aiming at the prevention of forced unions through the promotion of the rights of the individual - have encouraged the adoption of strikingly similar policy instruments in France and the UK.

Such instruments are centred on the notion of consent at the “entry” into a forced relationship (Chantler et al. 2009), and on the provision of exit solutions once an unwanted marriage has taken place. On the one hand, in both countries current conceptualizations of forced marriage and its prevention focus on the issue of consent at the entry point into marriage. This tendency is exemplified by the official definition of forced marriage

adopted by the British government (Home Office 2000), by the use of French legislation to verify the authenticity of consent at the moment a civil union is sealed, and by the adoption of stricter immigration controls on transnational marriages in both countries (Chantler et al. 2009). On the other hand, both countries have resorted – albeit in different ways and to different extents – to the use of exit solutions. Despite the French official rhetorical and legislative focus on regulatory measures, in practice at the local level bureaucrats and NGO staffers often resort to “exit” solutions by directing young people in need of help towards safe accommodations – as it will be further discuss in the next chapter. This pattern echoes the exit approach officially favoured by British authorities, yet it purposely lacks the attention for specialist services that has characterized until recently British initiatives in the field of forced marriage prevention (Wilson A. 2007).

The study argues that such sets of measures - intended to prevent forced unions by fostering gender equality through the protection and promotion of human rights - may lead in practice to a perverse effect, producing outcomes contrary to those intended (Hirschman 2003, 36; Sieber 1981). In particular, current framings of forced marriage and its prevention might be implicitly perpetuating the discriminatory gender relations at the basis of forced marriage within minority communities in France and the UK – undermining, rather than enhancing, the freedom of choice in marriage – for the reasons outlined in the following paragraphs.

Firstly, as pointed out by Chantler et al. (2009) in their analysis of forced marriage policies in the UK, the conceptualization of forced marriage centred on the issue of consent is problematic – leaving unaddressed many of the needs of young people facing a forced marriage. According to the authors, “survivors of forced marriage, and women’s organizations experienced in providing services to this group, both attach equal importance to exiting (forced) marriages” (Chantler et al. 2009, 587). “The pressures to remain in forced marriages” – they continue - “echo the pressures encountered at the entry point and raise the issue of whether a sole focus on entry points is sufficient for the definition of forced

marriage” (Chantler et al. 2009, 597-98). Despite the lack of an official definition of forced marriage in France, such considerations can easily be applied to the French case – given the centrality of the notion of consent in the unofficial definitions adopted by the legislator and relevant institutional and associational stakeholders. This is particularly evident in the 2006 law on domestic violence that increases the legal age for girls to be married from 15 to 18. Even though it represents a much needed legislative improvement, such a measure is not sufficient by itself to prevent forced unions - as it fails to address those cases involving people older than 18 (Clark & Richards 2008, 507).

Similarly, requiring pre-marital hearings to verify the authenticity of consent face important limits. By limiting their action to civil unions, this measure is unable to reach other forms of marriage – such as the widespread phenomenon of religious unions. Additionally, without adequate training and resources it is unlikely that pre-marital hearings will be effectively implemented – as suggested by NGO workers directly involved in the provision of such trainings. For the same reasons, it is dubious whether the possibility to use the *contrat d’intégration* has translated into a preventive tool. On the contrary, anecdotal evidence gathered over the course of interviews with representatives of the associational and public sector seems to suggest the exact opposite – as very often its use seems to have become a mere formality.

Secondly, the use of immigration controls to prevent forced unions –via the introduction of stricter pre-marital checks on unions celebrated abroad, and the possibility for consular authorities to declare the nullity of a marriage up to six months after its celebration (law n.2006-1376, 14 November 2006) - has been criticized for potentially reducing the freedom to marry of those people who wish to engage in a transnational marriage (Rude-Antoine 2011; Kofman et al. 2010). Despite being approved by the *Conseil Constitutionnel* (the highest Constitutional authority in France), its critics argue that such a measure threatens the freedom of marriage of French citizens (Rude-Antoine 2011, 201). In particular, it disproportionately affects people of ethnic minority origin,

who are more likely to marry abroad – with the risk of contributing to criminalize and stigmatize racialised minority groups and their cultural practices, as if such groups were inherently more likely to engage in sexist violence (Hamel 2005).

Finally, exit solutions, despite much needed, also present important limitations in the ways they are currently being framed. As argued by Claudine Philippe in her study on the options available to women escaping a forced union, the support system provided by French authorities is “patchy, unpredictable, and leaves young women with a strong sense of guilt towards their parents” (Philippe 2008, 181, translated by the author). In the case of minors, it is necessary for girls and their families to gather in front of a judge to relocate the young person – a procedure which further complicates exiting an abusive family.⁸⁶ Usually raised in over-protective families, young girls struggle to adapt to a new life in generalist refuges, which are unable to cater to their specific needs (Neyrand 2008, 269; Philippe 2008, 180-81). An alternative solution is represented by host families, which are often safer than refuges and better equipped to provide psychological support to young people (Philippe 2008, 181). However, their isolated location, the lack of transport available to young people, and the scarce financial support often render it impossible for young people to bear the emotional stress associated with abandoning their family and community. As a result, they might go back to their family, often facing a heightened risk of psychological and physical abuse.⁸⁷

⁸⁶ Interview held in Paris on 17th July, 2010 with Voix de Femmes staffer Christine Jama.

⁸⁷ Interview held in Paris on 1st July, 2010 with GAMS activist Justine Rocherieux.

Chapter Seven:

FRENCH EDUCATIONAL POLICIES AND THE PREVENTION OF FORCED MARRIAGE: A MULTI- LEVEL ANALYSIS.

This chapter aims at ascertaining if the relevant similarities in the framing of forced marriage between French and British policies - which this study hypothesized at the national level - translate into analogous similarities at different levels of government, as patterns of convergence and divergence may differ across these different levels and within countries. To do so, the chapter will examine the rhetoric and policies adopted by regional, departmental and municipal institutions to prevent forced marriage in the areas of Paris and Lyon from 1997 to 2008 - specifically with regard to the educational policies targeting high schools. In the area of Paris two localities will be considered – namely, the department of Paris (which corresponds to the area covered by the municipality of Paris), as well as the Seine-Saint-Denis department – a borough at the north-east of Paris with the highest proportion of immigrant population in the country (21.7% according to 1999 census). The inclusion of this department at the periphery of Paris is due to its demographics as well as to its pioneering role in the field of forced marriage prevention. Since 1999, the Seine-Saint-Denis has launched a vast programme aiming at preventing forced unions by investing in the training of social workers and raising the awareness of young people in schools (Helfter 2009, 4).

The analysis of these localities will contribute to ascertaining whether, and to what extent, there is variation in the official policies and discourse selected by French authorities to address forced unions at different levels of government. The case studies examined will also offer the opportunity to discuss the ways in which the policy instruments favoured by different levels of government are likely to enhance or undermine young people's freedom of choice in marriage.

7.1 EDUCATIONAL POLICIES AIMED AT THE PREVENTION OF FORCED MARRIAGE

Despite symbolizing an increased engagement of French public authorities in the efforts to curb and limit forced unions, the legislative developments reviewed in the chapter on French national policies – whether in the field of child protection, domestic violence, or immigration regulation - are not sufficient by themselves to prevent forced marriage. As pointed out in several policy documents (DRDFE 2000, 2002, 2004) and pivotal scholarly works (Neyrand et al. 2008), it is also necessary to raise public awareness about the fact that forced marriage is an abuse of human rights and will not be tolerated by the French government. According to Dr. Marie-Hélène Franjou - a pediatricist working on the prevention of forced unions in the Ile-de-France region (whose capital is Paris) - it is essential to support forced marriage victims, but it is equally important to inform young people about their rights and the ways to prevent a forced marriage, while encouraging, if possible, a dialogue with their parents (DRDFE 2004, 32). Against this backdrop – Dr. Franjou adds - schools and educational facilities represent important venues to raise awareness of the problem, distribute practical information to potential victims, prevent the practice or detect it in its early stages (DRDFE 2004, 32).

Indeed, as in the UK, in France schools are also considered by public authorities to play a key role in tackling forced marriage. Education may contribute to the prevention of the practice in two ways - directly, by informing young people about their rights and options, and indirectly, by keeping them in schools and empowering them through education as human being. As remarked by Mireille Merle, technical counselor at the *Inspection Académique* in the Rhone department (whose capital is Lyon) during the first roundtable on forced marriage in the Rhone-Alpes region, “schools, because of their very function, are already a place for prevention” (DRDFE 2006b, 43, translated by the author). Similarly, Dr. Emmanuelle Piet – head of the maternal and child protection service (*Protection Maternelle et Infantile* - PMI) in the Seine-Saint-Denis

department - has highlighted the fact that local studies carried in the Seine-Saint-Denis show that girls are more likely to be forced into a marital union if they are not in school.⁸⁸ In other words, as Piet stated over the course of a round-table on forced marriage held at the Senate in March 2010, “the less they study, the easier it is to impose a forced marriage upon them” (Piet 2010, 1, translated by the author).

The Role of National Education vis-à-vis Regional, Departmental and Municipal Authorities

Circular no. 97-175 of 26 August 1997 of the Ministry of Education – formally targeting pedophilic crimes - *de facto* integrates efforts against forced unions into the overall mission of the school and its founding principles (Rude-Antoine 2010, 109). The circular, addressed to academic inspectors, directors of departmental educational services and school principals, requires a reporting obligation on any form of sexual violence in schools (Rude-Antoine 2010, 109), without ever explicitly mentioning the term “forced marriage”.

Since 2002, the key role played by schools in the fight against forced marriages has been officially recognized by the French Ministry of Education, on the basis of the circular introducing the inter-ministerial convention on the promotion of equality of opportunities (*Convention interministérielle sur la promotion de l'égalité des chances entre les filles et les garçons, les femmes et les hommes dans le système éducatif*, 25/02/2000) (Lazaridis 2004, 40-2). This circular proposes an ambitious global policy fostering gender equality from primary to higher education. Followed by a circular on sexual education (*L'éducation à la sexualité dans les écoles et lycées*, 17/02/2003), this initiative focuses, on the one hand, on health and civic education (*comités d'éducation à la santé et à la citoyenneté – CESC*), as well as sexual education, as key tools in the prevention of forced marriages (Lazaridis 2004, 43). On the other hand, it explicitly stresses the role played by a wide range of social actors – such

⁸⁸ Interview held in Paris on 29th November, 2010 with Dr. Emmanuelle Piet, head of the Maternal and Child Protection service (*Protection Maternelle et Infantile - PMI*) in the Seine-Saint-Denis department.

as school nurses, social workers and teachers of various disciplines (Lazaridis 2004, 45). Prevention activities are supposed to be carried out in coordination with regional delegations on women's rights (*Délégations Régionale aux Droits des Femmes*) and departmental commissions on violence against women (*Commissions Départementales d'Actions contre les Violences faites aux Femmes*). In April 2003, a plan for forced marriage prevention in schools was launched by the inter-ministerial committee on integration (*comité interministériel à l'intégration*, 10/04/2003) (Lazaridis 2004, 46). Since then, the issue has been repeatedly brought to the attention of the general public by governmental authorities - first with regard to the debate on immigration, and more recently as result of the changes in domestic violence legislation approved by Parliament in the summer of 2010.

Despite much trumpeted national rhetoric, the lack of national practice guidelines on forced marriage renders the implementation of prevention initiatives dependent on the goodwill of each individual educational institution. *Collèges* and *lycées* (corresponding, respectively, to middle and high schools) have become legal entities enjoying financial autonomy, known as local public education establishments (EPLE - *établissements publics locaux d'enseignement*). They have also gradually acquired greater educational autonomy in that each school draws up an "establishment project" setting out how it is implementing the national objectives and curricula. Yet, regional and departmental institutions – such as regional delegations on women's rights, departmental commissions on violence against women, and departmental General Councils - can play an important role in launching local discussions, stimulating awareness, promoting partnerships, and coordinating local actions against forced unions (DRDFE 2004, 32).

Both national and sub-national institutions tend to frame forced marriage as an issue of violence against women – rather than a matter of minority cultures - which should be tackled by existing bodies instead of creating ad hoc institutions. As stressed by the *Délégation Régionale aux Droits*

des Femmes et à l'Égalité of the Ile-de-France region in 2002, forced marriages are “a sexist violence”, and “a kind of sexual aggression (...) labelled ‘forced marriages’, a form of violence which aims at allowing men to impose sexual relationships to young women – in other words, forced marriages lead to rape” (DRDFE 2002, 4-5, translated by the author). As such, forced unions are addressed by competent authorities especially within the context of policies targeting violence against women, but also in relation to domestic violence and child protection legislation.

Despite the reference to a common legislative framework, national and sub-national rhetoric present substantial differences. The national policy focus on immigration legislation – and the underlying conceptualization of forced marriage as a practice “imported” by backward traditional cultures implicit in the adoption of stricter immigration controls as preventive measures – seems to be absent in the localities examined for the purpose of the study. The lack of any reference to the immigration debate can be interpreted as consistent with the level of government taken into consideration – immigration policy being a strictly national matter not involving local institutions. Yet, the tendency to conceptualize forced marriage as a cultural practice – despite the official reference to the violence against women/domestic violence framework - sometimes resurfaces in the actions undertaken by local authorities. This is particularly evident in the propensity amongst service providers to encourage cultural mediation to solve cases of forced marriage (Jama 2004). Thus, the double discourse on forced marriage – discussed in the previous chapter on French national rhetoric and policy – seems to be present, to different extents, and for different reasons, in the localities analysed. On the one hand, there is a political discourse conceptualizing forced marriage as a form of domestic violence especially affecting women, which aims at protecting the safety of victims in the first place. On the other hand, an opposite - yet coexisting – discourse is present, framing the practice as the result of backward traditions “imported” by

foreign cultures, requiring the use of cultural mediation to solve inter-generational conflicts.

Cultural Relativism and the Use of Mediation

The excess of cultural relativism amongst service providers – often apparent in the preference for mediation solutions, and sometimes defined as “eurocentrism” (Jama 2004) - has been repeatedly identified by academic experts and NGO workers as a factor undermining the provision of social services. Due to the lack of adequate formation and training, young girls are often approached by public service providers through the lens of their parents’ culture, rather than being considered on the basis of their individuality. As a result, social workers might address cases of forced unions within the broader context of traditional or compromised marriage, rather than directly referring to forced marriage (Jama 2004, 29).

Christine Jama – author of one of the first scholarly works on forced marriage in France (Jama, 2004), and director of *Voix de Femmes*, a leading NGO in the field – warns about the dangers of such an approach, which seems to be paving the way to a more or less latent racism and/or sexism amongst service providers (Jama 2004, 28). According to Jama, young women from ethnic minorities are often perceived by social services as far from the French culture, forced within the borders of a stereotyped identity of Arab woman, Muslim and/or immigrant (Jama 2008, 30) – represented as a victim without agency that needs to be rescued. The tendency to stereotype Arab women as victims not only is discriminatory, but it also carries the risk of misunderstanding the complex dynamics surrounding young women’s choices when facing forced marriage. According to Jama, in this process issues concerning violence against women are diluted in the effort to find a balance between human rights and respect of minority cultures (Jama 2004, 29).

Justine Rocherieux from GAMS (*Group pour l’Abolition des Mutilations Sexuelles*) – another leading NGOs working on forced marriage in France

- raises similar concerns on the basis of her experience assisting forced marriage victims (Rocherieux 2010). According to the activist, forced unions suffer from a double “handicap”.⁸⁹ On the one hand, until recently they were treated as something “private”, rather than a social issue – as it was the case with all forms of violence against women in France. On the other hand, they are often interpreted by service providers within the context of cultural differences – being perceived not only as private matters, but also as symptomatic of foreign traditions (“*pas de chez nous*”). According to the GAMS staffer, this double handicap explains the reasons “why, for a very long time and still sometimes today”, social services and the police can be reluctant in intervening in cases of forced marriage: because it is the way “they” (that is, immigrants) do in their country of origins (“*c’est leur « truc » à eux*”), and “we” should not get involved (Rocherieux 2010, 1). Rocherieux’s claims are substantiated by the evidence gathered by Neyrand et al. (2008) in the first national enquiry on forced marriage. As shown in their study, social workers may delay direct interventions in minority communities’ affairs - unless the use of violence is explicit - in order not to interfere with what are considered to be traditional practices of cultural minorities (Neyrand et al. 2008, 22).

Based on such considerations - as observed by *Voix de Femmes* - there seems to be a “disconnection between the [available] legislative and social instruments and their application on the field” (Voix de Femmes 2009, 3, translated by the author). Existing laws, especially in the case of criminal and child protection legislations, are often dismissed on the pretext of preserving family ties or because of budgetary restrictions (Voix de Femmes 2009, 3-4). Within such context, the use of mediation is sometimes deemed necessary by social workers, and, to varying degree, NGO staffers. This phenomenon probably constitutes one of most striking differences between the French and British approach to forced marriage – as in the UK academic experts, institutional and non-institutional actors

⁸⁹ Interview held in Paris on 1st July, 2010 with GAMS activist Justine Rocherieux.

have all come to condemn the use of mediation as potentially dangerous for the safety of the victim.

The Role of Prevention

According to Neyrand et al. (2008), in an effort to limit the involvement with blatant cases of forced marriage and avoid the potential controversies arising from direct interventions or the use of mediation, public authorities have tended to stress the importance of prevention strategies (Neyrand et al. 2008, 24). As pointed out by Mekboul (2010, 78), prevention initiatives – emphasizing information and education – are more likely to transform young people into active subjects of law, favouring the formation of choices and individual strategies whose objective is the empowerment and emancipation. Indeed, over the past decade French legislators have publicly acknowledged that educational initiatives aimed at specific target groups (i.e. pupils, educators) constitute an essential element of effective prevention strategies.

The relevance of targeting young people in educational facilities is confirmed by the few local studies available. As shown by the results of a research on forced marriage commissioned by the Rhone department (DRDFE 2006a, 45), for instance, in 2005 the number of cases reported by girls still in school constituted almost half of the total number of forced marriage cases reported (21 out of 52, the majority of those being girls in middle or high school) to those local authorities most likely to encounter young people victim or at risk of forced marriage (such as the *Service Social inspection Académique du Rhone* of the National Education; various departmental services such as the *Aide Sociale à l'Enfance* and the *Centres de Planification*; women's refuges, NGOs, etc.) (DRDFE 2006a, 45).

Preventive initiatives targeting selected migrant groups with the objective of achieving long-term changes in attitudes within the affected communities are more rare, mostly carried out by non-governmental

associations, and facing increasing cuts in public funding – as confirmed by the majority of the NGOs interviewed for the purpose of this research. The French republican philosophy of integration demands egalitarian access for French citizens and residents to social services, with no distinctions made between them (Guiné & Moreno Fuentes 2007). In this sense, it contrasts sharply with the British tendency to involve minority communities – including local and religious leaders - in the government's consultations on forced marriage (Home Office 2000).

Even though French authorities leave – at least in theory - little room for differential treatment derived from culturally or ethnically determined demands (Guiné & Moreno Fuentes 2007, 491), in practice some national NGOs focus their work and specialize their services in the support towards specific minorities. Relevant examples include *Elele* - working with the Turkish community, and recently closed for funding cuts - and GAMS, active especially with African communities.

Finally, long-term preventive efforts to support people who have experienced or are at risk of a forced union are still scarce and considered insufficient by local practitioners. The analysis of local practices carried out in the areas of Paris and Lyon shows that prevention is mainly limited to the provision of exit solutions in the forms of safe refuges or host families – confirming the findings discussed by Neyrand et al. (2008). Such solutions aim to help young victims escape their family and/or community, which is a necessary and urgent step to undertake for the sake of young people's safety. However, they fail at providing the adequate long-term support (financial, institutional, and psychological) necessary for an effective emotional and professional reintegration of victims in social and public life (Philippe 2008, 190-91; Neyrand et al. 2008, 268-69). Additionally, contrary to the UK, France is characterized by the lack of specialist accommodations targeting minority women or young female victims of domestic violence and “honour” crimes (Petek 2004; Jama 2004; Philippe 2008; Neyrand et al. 2008). As available structures accommodate people in great distress due to a wide variety of issues, they are not always well suited to accommodate the needs of forced marriage

victims – who are often young and belonging to ethnic minority communities. Not only do they need a secret refuge, but they also need to be monitored and helped to formulate a life project, whether more or less long term (depending on their willingness to return to their family or staying on their own) – as remarked by Rude-Antoine (Rude-Antoine 2010, 107).

Amongst the negative consequences of ill-prepared refuges, there is the risk that young women might decide to go back to abusive families rather than facing the emotional stress of living in such refuges – suggests Zeliha Alkis, a former staffer of *Elele* and founder of *Eller*, an association working on the prevention of forced marriage, especially with Turkish communities.⁹⁰ Partly due to the ideological refusal – typical of French republican philosophy - to provide services explicitly targeting ethnic minority women, and partly to underfunding (Petek 2004, 38; Jama 2004, 30; Neyrand et al. 2008), the inadequacy of available refuges is probably the most urgent emergency in terms of service provision targeting forced marriage victims. As pointed out by Françoise Claireaux, councilor responsible for Youth in the city of Asnières-sur-Seine, a suburb at the northwest of Paris, such centres are able to provide answers to the most dramatic cases, but leave unaddressed several related issues (Claireaux 2010, 1) - especially in the least dramatic, but still urgent, cases.

The Role of Schools and Educational Facilities: Primary and Secondary Prevention

The role of educational facilities in general, and schools in particular, in the prevention of forced unions has been acknowledged at the European level within the context of the Daphne programme, a four-year multiannual programme of community action on preventive measures to fight violence against children, young people and women. As pointed out by the *Active against Forced Marriage* report (EC 2009) – an EU sponsored project under the aegis of the Daphne programme – “schools

⁹⁰ Interview held in Paris on 30th October, 2010 with Eller’s founder (and former Elele’s staffer) Zeliha Alkis.

are a public area which young people can attend without being under the direct influence and control of their families. (...) For this reason schools open up opportunities to reach victims or potential victims of forced marriage at an early stage. Simultaneously, school friends can be won over as potential allies. Furthermore, schools offer young people the breathing space and scope to discuss what marriage and partnership means. In this connection it is also possible to give them a picture of the extent of the risk and the consequences of an undesirable marriage, to show them alternative ways to act and open up access to further professional help. In this respect these issues should be integrated into the school curriculum” (EC 2009, 27).

In 2008, one year prior to the publication of *Active against Forced Marriage*, the first systematic study on forced marriage in France (Neyrand et al. 2008) reported similar views, gathered through interviews held with French associations and relevant public authorities in Paris, Lyon and Marseille. A recurring theme in such interviews is the role played by schools in challenging social isolation, which often characterizes the life of young people victims or at risk of a forced union. Such perspective is echoed in one of the first local studies on forced marriage in France, examining the Rhone department and sponsored by the *Délégations Régionale aux Droits des Femmes et à l’Egalité* of the Rhone-Alpes region. As pointed out by its authors, it is hard to meet young victims, as “they rarely go out or are constantly under surveillance and accompanied by family members” (DRDFE 2006a, 29, translated by the author). Thus, schools become one of the rare places – if not the only one – where young people can freely express their concerns to qualified staff.

In-depth semi-structured interviews carried for the purpose of this research have reiterated the importance of tackling forced marriage through educational initiatives. “Real prevention efforts start on the field, taking place in middle and high-school first”, argues Justine Rocherieux

at GAMS (translated by the author).⁹¹ Yamina Zimini, director of the CRIP (*Cellule de Recueil des Informations Preoccupantes*) of the Seine-Saint-Denis department – a departmental institution working on the most urgent cases of children and youth in danger - stresses the importance of acting in the early years of adolescence (during the *collège*, for children aged between 11 and 14).⁹² “The most important step – adds Christine Jama at *Voix de Femmes* - is to offer adequate information to young people and adequate training to educational professionals” (translated by the author).⁹³

Based on the information collected over the course of such interviews, the role of French schools in forced marriage prevention can be described as three-fold. Firstly, school initiatives aim at raising awareness on the phenomenon amongst pupils (and sometimes their parents). Secondly, they provide students with practical information on what to do in case of risk of a forced marriage. Finally, in cooperation with governmental agencies and/or NGOs, they can also provide training to educational professionals (e.g. teachers, social workers, school nurses) in order to enable them to better detect and deal with the practice. As a result of these considerations, it seems that educational initiatives focus on the so-called “primary prevention” – defined by the World Health Organization (WHO) as those activities decreasing the likelihood of abuse ever happening in the first instance – and on “secondary prevention” – intended as those activities reducing the likelihood that the abuse will continue. Prevention activities in educational facilities do not concern “tertiary prevention”, which seeks, over time, to ameliorate or lessen the harm already done as a result of the abuse.

According to one of the few scholarly contributions explicitly addressing the role of French schools in preventing forced marriage (Lazaridis 2004), a pivotal role in primary and secondary prevention is played by school nurses – as they are best positioned to gain pupils’ confidence. This view

⁹¹ Interview held in Paris on 1st July, 2010 with GAMS staffer Justine Rocherieux.

⁹² Interview held in Paris on 14th December, 2010 with CRIP93 director Yamina Zimini.

⁹³ Interviews held in Paris on 17th July, 2010 with Voix de Femmes director Christine Jama.

is echoed by the health professionals interviewed for this study – most notably, G  n  v  e Richard, medical doctor in charge of school health (*sant   scolaire*) at the *Direction de l'Action Sociale, de l'Enfance et de la Sant  * (DASES) of the department of Paris.⁹⁴ In practice, however, the action of nurses and school staff in general are often impaired - Lazaridis suggests (2004, 30) – by the reluctance of school principals to deal with an issue as sensitive as forced marriage, which often requires school staff to sidestep parents in order to guarantee the pupil's safety – at least at a first stage. Additionally, the fear of stigmatizing immigrant families and the ambiguities of cultural relativism as interpreted by school staff further impede prevention interventions in educational facilities (Lazaridis 2004, 30). Shrinking budgets are also considered to be a factor preventing more pro-active preventive actions.

The analysis of current legislation and relevant policy documents shows that the difficulties registered at the level of individual schools are symptomatic of a lack of coordination and interagency cooperation at the national level. Despite much trumpeted official national rhetoric on the importance of prevention through educational initiatives, in practice such efforts are limited to ad-hoc interventions, which – albeit sometimes very pro-active – are patchy and discontinuous. Indeed, although the inter-ministerial committee on integration launched a plan for forced marriage prevention in schools in 2003 (Lazaridis 2004, 30), public announcements have not been followed by the enactment of relevant legislation or the publication of national guidelines. In practice, prevention strategies vary significantly across departments on the basis of local priorities, and their implementation largely depends on the willingness of individual schools to participate to prevention schemes.

Two sets of actors are likely to influence schools' propensity to adhere to prevention initiatives: regional delegations on women's rights and

⁹⁴ Other interviewees include selected health professionals working in schools and/or with young people in the areas object of this study, such as Christine Jollivet (school nurse, interviewed in Paris on 14th January 2011) ; Martine Beauplet (obstetrician, interviewed in Paris on 18th January 2011); and Dr. Emmanuelle Piet (head of the Maternal and Child Protection service in the Seine Saint-Denis department, interviewed in Paris on 29th November, 2010).

commissions on violence against women – along with their departmental missions (Lazaridis 2004, 30) - whose actions, however, are often limited by the limited amount of financial resources dedicated to forced marriage initiatives; and non-governmental associations, which often work in cooperation with governmental institutions, and are usually responsible for the implementation of information dissemination strategies amongst pupils, as well as the training of professionals.

Information Dissemination and Awareness Raising Targeting Schools Pupils

The dissemination of information on forced marriage amongst school pupils in order to raise their awareness about the issue and their knowledge of available solutions is a typical example of primary prevention. Initiatives such as the protocol launched by the Seine-Saint-Denis department, discussed later in the chapter, incorporate this kind of activities by encouraging teachers - across all subjects - to increase pupils' knowledge about issues concerning gender equality (*Conseil Général de la Seine-Saint-Denis* 2008, 13).

It is notable that the first national day dedicated to raising awareness of forced marriage prevention – organized in 2002 by the Ministry of National Education – took place in a high school, the *lycée* Louis le Grand in Paris (renowned for its role in forming French élites). Usually, the task of convening hour-long sessions on forced marriage - aimed at providing young people with practical knowledge on what forced marriage is, and the ways in which it is possible to seek help - is outsourced to NGOs. Sometimes forced marriage is also integrated into lessons within the framework of specific school projects, allowing for an in-depth long-term exploration of the issue of forced marriage - as in the case of the poetry slam developed by students of the *lycée* Henri Barbusse in 2009, or the theatre play, created by the *lycée* Sabatier de Bobigny a few years earlier (both in the Seine-Saint-Denis department). In-depth semi-structured interviews held with school staff (i.e. teachers and school nurses) in these

lycées suggest that such projects are usually the result of the willingness to discuss the issue showed by individual teachers, sometimes within the context of on-going institutional initiatives targeting issues of gender equality (such as the “*Jeunes contre le Sexisme*” program, launched by the *Observatoire des Violences envers les Femmes* of the Seine-Saint-Denis department).⁹⁵ The obstacles faced by individual teachers are pointedly summarized by a staffer (who wishes to stay unnamed) at the *lycée* Sabatier de Bobigny: “as teachers, we are in a unique position to inform young people about their rights and the support available to forced marriage victims, and yet either we don’t have the tools to intervene, or we intervene and we are stigmatized by our own colleagues for dealing with what are considered family affairs” (translated by the author).⁹⁶

Training of Educational Professionals

Apart from primary prevention, schools also play an important role in secondary prevention – contributing to the detection of forced marriage cases, thereby reducing the likelihood that the abuse will continue. To this end, an adequate training of educational professionals (e.g. teachers, social workers, educators, school nurses and medical doctors) is deemed necessary. As pointed out by Caroline Helfter (Helfter 2009, 1), despite the evolution of the legislative tools available to practitioners dealing with cases of forced marriage, such developments carry the risk of being ineffective if their knowledge is not consistently divulged amongst the social services involved.

Contrary to what was found in the British case - where practice guidance for educational professional and social workers has been developed at the national level over the past few years (respectively, FCO et al. 2004, 2005) - in France the development of practice guidelines and related trainings is left to the willingness of local departmental institutions. Such guidelines – in the form of *Protocoles* – are usually created in partnership

⁹⁵ Interviews held in Paris between October 2010 and February 2011 with teachers and schools nurses active in the *lycée* Henri Barbusse and *lycée* Sabatier de Bobigny.

⁹⁶ Interview held in Paris on 15th February, 2011

with all relevant institutions, and often seek the active participation of the associational sector to compensate for the gap in central policy-making.

A pioneering effort in this field is represented by the initiative sponsored by the Seine-Saint Denis department, where Dr. Emmanuelle Piet - a medical doctor in charge of maternal and child protection within the department - has started a training programme aimed at preventing forced marriages since 1999 (DRDFE 2000). In order to receive adequate funding, the programme was launched as part of an action-research initiative on the prevention of early pregnancies, rather than as a specific initiative against forced unions – reflecting the importance of the creative interpretation of available legislative and policy tools to promote innovation in forced marriage prevention. Held in 2000 in collaboration with the Academic Inspector, the launching session included the development of relevant training material (DRDFE 2000), and has started a tradition of activism on forced marriage prevention in the department which continues to this date.

Thanks to the contribution of representatives of two French NGOs active against forced unions - Coumba Touré at GAMS and Sarah Oussekiné at *Voix d'Elles Rebelles* – the training material also provides an overview of the ways in which young people from the Maghreb or African communities react and deal with forced unions (DRDFE 2000), showing an awareness of the ways in which the signals hinting at a forced marriage may vary across different cultures. Such a tendency can be found – to varying degrees – also in other departments. Although the French philosophy of integration demands that no distinctions are made between citizens, in practice some departments and several schools placed in areas with large concentrations of immigrant populations are developing specific skills to recognize and deal with cases of forced marriage taking place mostly amongst people of immigrant origin. By doing so, local institutional practices seem to diverge from the official republican philosophy of integration, demonstrating – as in the case of female genital mutilation – “the limits of a purely assimilationist approach to

sociocultural diversity in contemporary liberal societies” (Guiné & Moreno Fuentes 2007, 492).

Following the example of the Seine-Saint-Denis, several departments have developed juridical *vade-mecum* targeted to local practitioners who might be dealing with forced unions - in order to familiarize local institutional actors with the available legislation. A remarkable example is provided by the city of Paris, where 100-120 social workers are trained every year in a two-day workshop devoted to the issue of forced marriage (Helfter 2009, 2). These trainings are two-folded: on the one hand, they aim at providing social workers with adequate knowledge of the existing legal instruments; on the other hand, they aim at helping professionals recognize behaviours and understand cultural traditions which might be signals of a forced marriage.

As pointed out by Saida Ousmaal, a researcher who has extensively studied public interventions on forced marriage in Lyon, “such trainings are particularly important as trained professionals become go-to people for their own colleagues” (translated by the author).⁹⁷ In some cases, networking amongst trained social workers has led to the formation of multi-disciplinary and cross-sectoral working groups on forced marriage at the departmental level – as in the case of the Working Group on Forced Marriage founded in 2005 in the Rhone department, which also involves representatives of the institutional and associational sectors.

7.2 MULTI-LEVEL ANALYSIS: THE ROLE OF SUB-NATIONAL INSTITUTIONS AND NON-GOVERNMENTAL ASSOCIATIONS IN THE PREVENTION OF FORCED MARRIAGE

In order to deconstruct the ways in which forced marriage prevention has been approached across multiple levels of government, this research will refer to the approach suggested by Giovanna Zincone and Tiziana Caponio in their study on the multi-level governance of migration (Zincone & Caponio 2005), intended as “the analysis of the relations

⁹⁷ Interview held in Lyon on 25th June, 2010 with researcher Saida Ousmaal.

among actors at different levels (i.e. the institutions and/or actors positioned in different territorial policy-making contexts)” (Zincone & Caponio 2005, 6). Based on the authors’ considerations, this research investigates policies and rhetoric regarding forced marriage prevention by adopting an analytical perspective focused on two dimensions. Firstly, I will consider the various levels of government at which decisions are made (national, regional, departmental, and municipal), and the relations between these levels of government (whether oriented top-down or bottom-up). Secondly, I will refer to not only formal decision-making processes, but also semi-formal and informal ones, such as bottom-up pressures arising from the associational sector (Zincone & Caponio 2005, 1).

Unit of Analysis

This study examines the areas of Paris and Lyon – with a focus on three case studies - in order to deconstruct the sub-national aspects of forced marriage prevention policies and rhetoric in France. The selected localities comprise the areas corresponding to the country’s capital, Paris, and the third French city per population, Lyon, a large metropolitan centre located in the South-West of France. Both cities capture the politics of industrial cities of about a million inhabitants with strong socialist traditions, and are characterized by similar administrative structures. As a result of law no. 82-1169 (31 December 1982 – the so-called PML law) these two municipalities are divided into several decentralized units (*arrondissements*), each with a decision-making body, the *conseil d’arrondissement*, chaired by a mayor and composed of members who are elected by direct universal suffrage.

The study’s unit of analysis is centred around – but it is not limited to – these two municipal units. Selected on the basis of the concentration of ethnic minorities at risk of the practice (Sub-Saharan African communities in Paris; North-Africans in Lyon), as well as on the basis of the existence of prevention initiatives implemented on their territory by

non-governmental organizations, the two cities are the capitals of the region and department they are located in respectively. Along with municipal institutions, departmental and regional authorities have also proved – to different extents - to be active in the field of forced marriage prevention. Thus, when examining sub-national prevention policies, this study will analyse initiatives at the regional, departmental, and municipal level from 1997 to 2008. As a result, the city of Lyon will be examined within the context of the department and region of which it is the capital – respectively, the Rhone department and the Rhone-Alpes region. It should be noted that Paris - capital of the Ile-de-France region - constitutes an exception in the French administrative landscape, constituting both a municipality and a department. Finally, the department of Seine-Saint Denis, located in the outskirts of the French capital and within the Ile-de-France region, has been included into this analysis due its demographics – being characterized by the highest percentage of immigrant population in the country. According to estimates suggested in 2006 by the *Observatoire des Violences envers les Femmes* – a departmental institution in the Seine-Saint-Denis – 10,000/15,000 young women might be at risk of forced marriage in the department every year (Conseil Général de la Seine Saint-Denis 2006).

At each level of government, relevant political (e.g. elected officials) and administrative (e.g. public services) institutions will be considered. These local authorities and agencies play a dual role in the governance of forced marriage prevention policies. Firstly, they are responsible for the implementation of national legislation, which – as noted by Zincone and Caponio (2005) – “is an adaptive process that implies more than simply executive activities” (Zincone & Caponio 2005, 10). Secondly, they are called upon to answer the demands of civil society, initiating new policies to cope with such requests. This research considers policy-making at the local level as a process not necessarily activated by higher-level government policy initiatives. In such a context, differences among local policy networks – defined as “a network of actors (public and private) who are endowed with different resources (organization, expertise,

knowledge, information, consensus, democratic legitimacy, reputation, economic power, etc.) and are concerned in the same field of policy” (Zincone & Caponio 2005, 32) - are particularly important for understanding differences in forced marriage prevention policies at the local level.

Selection of Sample

Preliminary meetings with French scholarly experts working on forced marriage helped identify a network of key local bureaucrats and non-governmental associations active in the prevention of forced unions. By triggering a cascade effect, such meetings have helped me expand my network of contacts - connecting me with French bureaucrats and NGO staffers working on forced marriage and its prevention, both at the national and sub-national level. By doing so, they have allowed me to successfully identify the population sample object of this study – namely, the members of the relevant national and local policy networks.

In-depth semi-structured interviews were held with several government agencies dealing with forced marriage prevention in the field of child protection, violence against women, and/or education in the areas of Paris and Lyon (e.g. *Observatoire de l’Egalité Femmes/Hommes de Paris*, *Observatoire des Violences envers les Femmes de la Seine Saint-Denis*, *Cellule de Recueil des Informations Préoccupantes de la Seine Saint-Denis*, *Aide Sociale à l’Enfance*, *Protection Maternelle et Infantile*, *Direction de l’Action Sociale, de l’Enfance et de la Santé*, *Délégations Régionales aux Droits des Femmes*, *Inspections Académiques*, and *Commissions Départementales des Violences envers les Femmes*).

Interviews were also held with representatives from the seven major non-governmental associations working on forced marriage in France (*GAMS*, *Mouvement Français pour le Planning Familial*, *Voix de Femmes*, *Voix d’Elles Rebelles*, *Tostan*, the no-longer active *Elele*, and the recently founded *Eller*), and with all the relevant scholarly experts. Along with the use of in-depth semi-structured interviews, the research has relied on the

analysis of primary documents approved by national and local executives to identify policy priorities in the field of forced marriage prevention at different levels of government, as well as on relevant parliamentary and senate proceedings, judicial sentences, and newspaper articles.

Regions, Departments, and Municipalities: the Role of Local Authorities

In order to set the stage for the analysis of forced marriage prevention policies at the local level, it is necessary to briefly consider the role of sub-national authorities *vis à vis* the central government in the field of education. Considered a “historic function (...) central to the integrity of the state”, the French educational system has been traditionally characterized by a significant degree of centralization, leaving small room for local differences – as remarked by Peter John and Alistair Cole (John & Cole 2000, 265). “Public education in France” – the authors argue – “embodies the autonomy of the secular state, and central lines of control are designed to maintain this independence” (John & Cole 2000, 265). Yet, since the implementation of the Socialist decentralization laws of 1982-1983, new tiers of elected local government have been introduced (such as the regions and the departmental general councils), and the importance of the voluntary sector associations has increased (John & Cole 2000, 256). More recently, the constitutional reform of the French state has led to the enactment of the law on “local freedoms and responsibilities” (13 August 2004), further defining the transfer of competencies to local authorities (regions, departments, and municipalities). As a result of the on-going decentralization process, according to John and Cole (2000) “French local politics has changed from a stable framework of central-local bargaining and exchanges between a small number of key individuals to an open system of competing institutions in which the rules of bargaining change rapidly” (John & Cole 2000, 256).

The proliferation of decision makers – John and Cole argue (2000) - is especially evident in the case of educational policies, despite the French

education system remaining far more centralized than its British counterpart. The 1983 and 1985 educational decentralization laws introduced new participants to the policy-making process from the departments and regions. Yet, the division of responsibilities amongst different institutional levels of government - clearly demarcated by French law – still denotes a dominance of central policy-making in educational initiatives. The current balance of power is the result of a specific form of decentralization – "devolution" - in which skills transfer is to the benefit of local units (*académie*) that remain under the authority of central government – as suggested by Nathalie Mons in her work on educational policies (Mons 2004, 42). Even though local authorities are enabled to intervene in educational affairs, they are confined to the financing and management of issues of secondary relevance to pedagogical activities (Mons 2004, 45). Central control over core functions remains in the hands of the central government (John & Cole 2000, 258-59), and in particular of the Ministry of Education - which is the designer, operator and controller of the education system. Its functions include the development of the educational curriculum, the overall pedagogical orientation, as well as the distribution of financial resources to the academies (John & Cole 2000, 259). The transfer of skills to local authorities – whether regions, department, or municipalities – is still limited, mainly operated in the area of equipment management (Mons 2004, 45-46). More specifically, regions, departments and municipalities are responsible – respectively - for the building and maintenance of high school (*lycées*), middle school (*collèges*), and primary school facilities and equipment. The role of local authorities is further impaired by the fact that, as in the UK, the boundaries for the administration of education (the *académies*) do not necessarily correspond with natural urban areas. Subsequently, as remarked by John and Cole, “there is less opportunity for powerful urban leaderships to become involved in policy making” (John & Cole 2000, 266).

Despite the limits imposed on the actions of local authorities by the current legal and administrative framework, an in-depth analysis of

current forced marriage prevention policies will show that regional and departmental institutions have at times played a significant role in launching a local debate over the issue of forced marriage. Far from being merely rhetorical in their nature, such initiatives have led to the creation of policy networks actively working to prevent the practice, as well as to the development of training sessions targeting the professionals involved in such networks – as shown by the efforts undertaken by regional and departmental authorities in Lyon (Ousmaal 2008). The rest of the chapter will be devoted to the analysis of the ways in which, despite their limited authority on educational matters, sub-national levels of government may influence the nature of educational prevention policies in France.

Regional Level

Following the law of 13 August 2004 on the transfer of competencies to local authorities (namely, *régions*, *départements*, and *communes*), regional authorities are responsible for the construction and reparation of high school facilities (*lycées*). As pointed out by Louis Mallet (Mallet 2006, 100) in his study on the decentralization of education, regions have no say in determining the “content” of the programs taught in the schools; they are merely responsible for their construction and maintenance. The overall pedagogical direction, the development of the curriculum, and the appointment of headmasters are still under the jurisdiction of National Education. From a strictly legal perspective, therefore, regional authorities do not hold the power to ensure the implementation of any forced marriage prevention policy in the high schools under their jurisdiction.

Yet the role of regional authorities in tackling forced unions should not be overlooked. Since the early 2000s working groups on forced marriage have been formed in several departments under the leadership of the Regional Delegations on Women's Rights and Equality (*Délégation Régionale aux Droits des Femmes et à l'Égalité* - DRDFE). While the composition of such groups may substantially differ from one region to another, they generally gather together institutions and associations

working in partnerships to address the phenomenon. Apart from the DRDFE, the actors involved usually include representative from National Education, departmental General Councils, different Social Services departments (especially related to child protection), and non-governmental associations (Durand 2008). The existence of such groups has often been the premise for the launch of local initiatives to foster dialogue and collaboration between civil servants, experts (i.e. personalities who are well known for their competence in the field, and are not subject to electoral judgment), and NGOs on the issue of forced marriage.

The non-governmental associations involved usually include feminist groups and associations working with female victims of violence in general or forced marriage in particular. Even though women of immigrant origin are often part of such NGOs, the working groups usually do not include immigrant associations. The exclusion of these associations seems to be consistent with the republican tendency to avoid “dialogue” solutions favoured in the UK – that is, solutions aimed at “encouraging a dialogic encounter between majority and minority communities in order to arrive at generally acceptable norms of conduct” (Phillips & Dustin 2004, 3). Rather, forced marriage working groups seem to pursue a logic oriented towards problem-solving, aimed at providing targeted solutions. Subsequently, the selection of each group’s participants is derived from their ideological proximity to the way in which the current legislative framework interprets forced marriage – that is, as an issue of violence against women, rather than as a practice typical of minority cultural traditions. By doing so, it silently excludes groups and individual carriers of potentially conflicting policy frames – such as immigrant associations, as well as religious and community leaders. The following section will discuss the case of the Working Group on Forced Marriage led by the *Délégation Régionale aux Droits des Femmes et à l’Egalité* in the Rhone-Alpes region, whose capital is Lyon. Despite not being the only working group devoted to this issue, it is of particular

relevance as it led to the development of the first local study on forced marriage victims in France (DRDFE 2006a).

Lyon: the working Group on Forced Marriage and the Délégation Régionale aux Droits des Femmes et à l'Égalité (DRDFE)

Launched in Lyon in September 2003, the Working Group on Forced Marriage was inspired in its formation by both by national and local events. At the national level, a key role was played by the controversy following the publication of the first official figures concerning forced unions. In the same year, the women's rights group GAMS launched the figure of 70,000 forced marriages allegedly taking place on French soil as a provocative initiative to raise awareness on the number of women *at risk* of forced marriage. By subsequently publishing in its annual report the estimate as a statistic concerning the number of women *affected* by the practice, the *Haut Conseil à l'Intégration* misinterpreted the initial figure, and provided with a more official character what was essentially born as a political statement. Within this context, the Lyon Working Group intended to provide an analysis of local realities as a first step toward an understanding of the phenomenon based on more reliable estimates. By using each participants' first-hand knowledge of forced marriage cases, the group aimed at "attracting the attention over a phenomenon too often misjudged" (DRDFE 2006a, 2, translated by the author), while offering support to victims.

At the local level, the institutional and associational members of the Working Group had been informally working together on issues of violence against women for several years prior to the formation of the group itself. As Saida Ousmaal notes in her account of the experience, in 2003 such actors contacted the DRDFE to signal an increase in the cases of forced marriage brought to their attention,⁹⁸ which by the fall of the same year proposed the formation of the Forced Marriage working group (Ousmaal 2008, 155).

⁹⁸ Interview held in Lyon on 25th June, 2010 with researcher Saida Ousmaal.

The DRDFE is a decentralized service of the State - more specifically, of the General Secretariat in charge of Social Affairs (*Secrétariat Général des ministères chargés des affaires sociales*, currently within the *Ministère du Travail, de l'Emploi et de la Santé*). With a budget of about 150,000 euros per year, it is responsible for promoting women's rights and fostering equality between women and men in partnership with other relevant institutions and associations in the Rhone-Alps region. In collaboration with several organizations – such as the *Conseil Général* of the Rhone department, the socio-medical services of the National Education, and both national (e.g. *Mouvement Français pour le Planning Familiale*) and local NGOs (e.g. *Villeurbanne informations femmes familles*; *Femmes Informations Liaisons*; *Femmes Informations Juridiques*) – the DRDFE has contributed to the organization of monthly meetings to discuss the issue of forced marriage and its prevention in the region since September 2003.⁹⁹ Over the course of the sessions organized by the working group, the participants have developed an informational brochure and posters targeting young people and professionals dealing with the practice. Aimed to provide practical advice on what to do when facing or dealing with a forced marriage, the brochure seems to be particularly effective in terms of increasing awareness about the issue in schools (Ousmaal 2008, 158).

As pointed out by Saida Ousmaal, “the originality of the group lies in the fact that it has been able to integrate the phenomenon of forced marriage (...) in a more global context – namely, that of violence against women” (Ousmaal 2008, 156). To this end, the results gathered over the course of the departmental study on forced marriage published in 2006 have been essential to show the various forms of psychological, physical, sexual and economic violence suffered by forced marriage victims (DRDFE 2006a). The contributions of civil servants and associations directly working with victims of the practice has allowed the authors of the departmental study to gather crucial data and information on the feasibility of the policy

⁹⁹ *Ibid.*

interventions supported by local politicians and appointed experts. They have contributed with significant insights on the phenomenon, having dealt with the issue well before politicians and appointed experts, thus developing their own ideas on the matter. This is a crucial veto power, which is likely to have a considerable influence on policy-making as well as implementation (Caponio 2010).

Interpreted primarily as an act of violence against women, forced marriage has been presented by the working group as requiring the intervention of those institutions usually involved in defending women's rights (e.g. DRDFE, *Conseil Général*, *Direction Départementale des Affaires Sanitaires et Sociales* – DDASS) – rather than a cultural practice requiring the creation of ad hoc institutions. As stated by the authors of the departmental study, the reality of “forced marriages should not be covered by cultural relativism: this phenomenon exists everywhere in France, and affects young women of any national and social origin” (DRDFE 2006a, 37, translated by the author).

The collective actions of the individuals and organizations forming the Working Group show that local policy networks can promote innovation via autonomous policy making. The interpretation of forced marriage primarily as a form of violence against women has been subsequently incorporated by national policy on forced marriage – as shown by the changes in domestic violence legislations from 2006 to date, and by the explicit reference made by the legislator to the Rhone departmental study over the course of the Parliamentary debates preceding the latest of such changes (Sénat 2010). In other words, the implementation of forced marriage prevention policies – far from being an automatic enforcement of national laws and programmes – appears to be a stage where policy-goals, in the process of adaption to local realities, are questioned and redefined.

Departmental Level

Similarly to those attributed to regions, departmental powers in terms of education are very limited if compared to those remaining under the

control of central government. Departmental authorities are responsible for the construction and reparation of middle schools (*collèges*), having no say with regard to schools' pedagogical direction, curriculum, and the appointment of headmasters. However, compared to their regional counterparts, departmental authorities' competencies in other domains – especially child protection and violence against women – are potentially more likely to have an impact on forced marriage prevention. Even though characterized by limited power in the field of education, departmental institutions play a significant role in several policy sectors relevant to the prevention of the forced unions. The law of 13 August 2004 on local freedoms and responsibilities, for instance, has created in each department a fund to help young people (*Fonds d'Aide aux Jeunes - FAJ*) under the authority of the President of the General Council. The fund aims to promote social and professional integration of at-risk youth (aged 18-25) by providing them with financial aid and temporary relief in case of emergency situations. Additionally, from 1 January 2005 departments are in charge of developing and implementing “social action policy” (*politique d'action sociale*), coordinating the actions conducted on their territory by other state actors in an array of fields – covering, amongst others, policy issues such as welfare benefits, child protection, violence against women, youth policy, and housing. Within the context of social action policy, one of the most successful examples is provided by the work undertaken by the department of the Seine-Saint-Denis (at the north-east of Paris) in the field of violence against women in general, and forced marriage in particular. The following section reviews the key aspects of this work, which is considered by many institutional and NGO observers to be at the forefront of French efforts to tackle forced unions.

Seine-Saint-Denis Department: the Observatoire des Violences envers les Femmes (OVEF) and the Protocol on Forced Marriage

Characterized by the highest percentage of immigrant population in the country, the Seine-Saint-Denis department engages in several forced marriage prevention initiatives. A key role in the coordination of such initiatives is played by the *Observatoire des Violences envers les Femmes*

(OVEF). The first of its kind in France, the *Observatoire* is a departmental institution aiming to promote joint work of all institutional partners to increase the visibility of the issue of violence against women. Created by the department's General Council in 2002, it is a space for analysis of local realities, as well as the identification and communication of best practices. Rather than being merely the consequence of the particularly high rate of violence against women in the department, its creation has also aimed - according to its director, Ernestine Ronai - "to offer a place for innovation, a laboratory where phenomena are observed and solutions devised, an institution where successful policies are examined, and their scaling up discussed" (translated by the author).¹⁰⁰ Amongst the initiatives promoted by the *Observatoire* in the field of forced marriage prevention, the most notable one is the development of the first practice guidelines on forced marriage (*Protocole départemental de lutte contre les mariages forcés*). Created in 2006, the guidelines provide local bureaucrats with practical information on how to deal with cases of forced marriage involving minors or adults. They represent the result of the mobilization of a number of individuals working in departmental institutions and the associational sector, under the leadership of the director of the *Observatoire*, Ernestine Ronai. The document includes a special section devoted to the role of educational facilities in the prevention of the practice, referring to the national education framework and the directives on gender equality and the prevention of gender-based violence. In particular, the protocol calls for the "development of the notion of gender equality across teaching subjects", along with the provision of "information concerning specific forms of violence affecting young women of immigrant origin, such as forced marriages and genital mutilation" (Conseil Général de la Seine-Saint-Denis 2008, 12-13, translated by the author).

Overall, the guidelines seem to confirm the tendency, typical of French national rhetoric and policy, to stress the importance of primary and

¹⁰⁰ Interview held in Paris on 10th January, 2011 with Ernestine Ronai, Director of *Observatoire des Violences envers les Femmes*.

secondary prevention (the former aiming to avoid a forced marriage from taking place, the latter to detect forced marriages in their early stage to rescue the victims), while avoiding the discussion of measures concerning tertiary prevention (concerning the provision of long term support to victims of the practice). Despite rhetorical emphasis being devoted to both primary and secondary forms of prevention, in practice it is the latter that is at the centre of the attention of departmental institutions. Three out of the five sections of the Protocol focus on the provision of exit solutions – offering a detailed review of available legal references and existing measures to support young people forced, or being forced, into a marriage. Different practical strategies are identified depending on whether the victim is a minor, a *jeune majeur-e* (i.e. young person aged between 18 and 21), or a woman older than 21.

Compared to the section devoted to secondary solutions, the part on primary prevention in school facilities is striking for its lack of detailed instructions – reflecting the absence of adequate legislative tools in this area. General principles are not accompanied by specific information or guidelines regarding the criteria that schools should follow in order to ensure their implementation. For instance, despite emphasizing the role of teachers across all subjects, this is vaguely defined as a contribution to increase pupils' knowledge about issues concerning gender equality (Conseil Général de la Seine-Saint-Denis 2008, 13). Similarly, it is not clear how cooperation amongst key actors should be ensured, or what body should be responsible for its coordination and/or monitoring.

Despite these limitations, according to local bureaucrats at the CRIP93 (*Cellule de Recueil des Informations Preoccupantes*, the departmental institution in charge of emergencies concerning child protection), as well as the staffers of the seven NGOs interviewed regarding this issue, the practice guidelines represent undeniable progress in the fight against forced unions. They draw clear lines of action for social workers and departmental institutions involved in preventive and support efforts. However, their impact is severely limited by the lack of any monitoring and/or evaluation activities carried out by public authorities. Except for

anecdotal evidence offered by NGOs, it is unclear whether and to what extent the guidelines recommended are being translated into practice, and with what results. In practice, the decision regarding the implementation of forced marriage prevention interventions rests in the hands of each school's *Comité d'Education à la Santé et à la Citoyenneté* - which is headed by the headmaster, and is responsible for taking such decisions based on each educational institution's needs and resources (Conseil Général de la Seine-Saint-Denis 2008, 13).

Revised in 2008, the protocol has been distributed across several towns in the Seine-Saint-Denis department during the so called *rencontres "femmes de quartier"* – events held in selected towns on issues regarding women's rights and violence against women. According to the members of the OVEF, such meetings are the result of the willingness to cooperate of selected individuals working in key municipal institutions (such as mayors, women's rights delegates, person in charge of the *politique de la ville*, etc). In such a process, local political configurations – suggests Ernestine Ronai – play a secondary role. To prove her claim, Ronai points to the continuity in the actions undertaken by OVEF, despite the change in the political leadership of the department (currently Socialist, formerly Communist), as well as the active engagement of towns characterized by a right-wing political administration. As a result – Ronai concludes - the efficiency of an established administrative structure, the presence of individuals committed to tackle violence against women, and their capacity of networking with third-sector organizations, seem to be more relevant to influence local realities than political configurations.¹⁰¹

Despite the secondary role allegedly played by political configurations in guiding forced marriage interventions, political events are still likely to influence the activities of the *Observatoire*. Firstly, national and local politics have set the frame for legitimate actions in the development of forced marriage prevention policies - indirectly influencing what the

¹⁰¹ Interview held in Paris on 10th January, 2011 with Ernestine Ronai, Director of *Observatoire des Violences envers les Femmes*.

OVEF can do and what should be avoided. As pointed out by the *Observatoire*'s staffers, the creation of the OVEF was itself a political act – being the result of the engagement of the former Communist departmental administration in tackling violence against women. By creating the first sub-national institution dealing exclusively with this issue, administrative discretion has proved pivotal in contributing to the process of adaptation of national laws to local realities.

Secondly, at the local level, elected politicians represent crucial actors since they have to agree at least on a set of official policy priorities, even when these are suggested or defined by someone else. Local policy priorities are the output of discussions amongst several government agencies and non-governmental associations, rather than a coherent and pre-established model or ideology looking at forced marriage either as a cultural practice or as a form of violence against women. This point is acknowledged by Ernestine Ronai, who stresses the importance of persuading municipalities to “buy in” the cause of forced marriage by persuading local politicians of the positive effect on their public image, and subsequent potential electoral returns, brought by “investing in the provision of support to abused women”.¹⁰²

Finally, between 1998 and 2008, regional (in 1998 and 2004), *cantoniales* (electing the members of the departmental assembly, in 1998, 2001, 2004, and 2008), and municipal (in 2001 and 2008) elections have caused changes in the administration of the concerned institutions, replacing many of the *Observatoire*'s key partners, and indirectly disrupting its activities.

Municipal Level

Despite lacking all power in the field of secondary education, municipal authorities are in charge of a key policy tool in the prevention of forced unions. They are responsible for the registration of civil unions – which, along with stricter immigration controls, has proved to be the instrument of choice of the French government in the fight against forced marriages

¹⁰² *Ibid.*

(Rude-Antoine 2010). Other policy areas where municipal powers might impact on the prevention of forced unions include youth policy (law of 13 August 2004) and the so-called social action (complementarily with departments). In practice, however, the impact of such policies on forced marriage prevention is often minimal, and varies significantly depending on each town's political leadership – as suggested by seventeen civil servants interviewed for this study in the areas of Paris and Lyon.¹⁰³ Thus, to this date, the municipal policy more likely to contribute to the prevention of forced unions consists in controlling the validity of marriage at the moment of registration. Yet NGO staffers and local bureaucrats (at the regional and departmental level) interviewed for this study have repeatedly questioned the effectiveness of this tool in preventing forced marriage. The majority of forced unions, they argue, take place abroad or in front of a religious authority, rather than at the municipality. As a result, there seems to be a profound disconnection between the use of marriage registration controls – strongly advocated for by national authorities – and the instruments most valued by local authorities to prevent forced unions.

The following section reviews the policy undertaken in the field of marriage registration controls by the city of Paris, which has been the first French municipality to develop a guide for elected officials dealing with forced unions.

Paris: a Guide for Professionals

On the 2008 *International Day against Violence against Women* (November 25th), the municipality of Paris published a guide to prevent forced marriages targeting the mayors of the city's *arrondissements* and other elected officials. In practice, the target audience of the guide has proven to be more varied, including a wide range of civil servants working in local authorities – not only those responsible for marriage registration, but also those working on issues such as gender equality

¹⁰³ Interviews held in Paris and Lyon between June 2010 and February 2011. Except for those interviewees explicitly named over the course of this chapter, the majority of civil servants interviewed requested to be left anonymous.

policy, security, social affairs, youth policy and sexuality education (elunet.org 05/02/2009, translated by the author). Fatima Lalem, Deputy Mayor for Gender Equality in the city of Paris, explains how the guide represents an institutional response to the distress shared by many elected officials (Le Monde 19/11/2008). As emphasized by Jacques Bravo, mayor of the city's ninth arrondissement, the guide constitutes "a very useful educational tool" (L'Express 25/11/2008, translated by the author). According to the mayor, prior to the publication of the guide, interventions were left to the discretion of the elected officials who often did not know what to do, and as a result were "completely helpless in dealing with such situations" (L'Express 25/11/2008, translated by the author).

The creation of the guide is not an isolated event. Rather, it is part of a broader campaign. Launched in 2005, the campaign against forced marriage promoted by the city of Paris (and in particular by the *Observatoire de l'Egalité Femmes/Hommes* – a municipal institution created by the socialist mayor Delanoë in 2002 to deal with gender equality issues) had three priorities: fostering prevention, providing support to victims, and assisting them in emergency situations. In order to do this, the initiative relied on three key elements.

Firstly, in 2006 it distributed a poster and a leaflet (*Forced marriages, you have the right to say NO!*) aimed at informing young girls, as well as their families and the school professionals. Developed in cooperation with relevant associations and social services, this material aimed at encouraging young people to speak up against forced marriage by showing them the existence of viable escape solutions. To do so, it provided basic information on human rights and family relationship, using simple and pragmatic language, and including information about associations supporting victims.

Secondly, it aimed to inform professionals in order to help them identify signs of evidence of a forced marriage. Distributed in over 150,000 copies, it was distributed mostly amongst the city's district municipalities, departmental social services, a selected number of middle schools, and

other public structures likely to have young people at risk of forced marriage amongst their customers. Despite its wide distribution, its impact has been significantly impaired by the lack of engagement of National Education. As pointed out by Christine Guillemaut at the *Observatoire de l'Égalité Femmes/Hommes*, to this date the local institutional representative of National Education (*Rectorat de l'Académie*) has declined to promote the distribution of the material in schools in order to avoid any possible controversies on what is perceived to be a “delicate” matter.¹⁰⁴ As a result, it is left to individual schools to decide whether to distribute the material, and how.

Finally, the campaign attempted to foster the awareness of the social actors working on forced marriage prevention through the organization of a yearly two-day training session targeting professionals from various public structures – such as social services, national education, school health (*éducation à la santé*) teams, maternal and child health (PMI), and child protection. In cooperation with relevant NGOs, such trainings intend to offer working definitions of the practice, as well as evidence-based information on the causes of forced marriages, how to decrypt the situations of forced marriages, the reasons for the silence of the girls, the constraints and pressures used over these same girls, and best practices to prevent or take action against forced marriages.

The proactivity of the city of Paris in forced marriage prevention efforts contrasts with the relatively scarce engagement of French municipalities suggested by the interviews collected for this study. The peculiar status of the French capital – which is both municipality *and* department at the same time – might partially account for the reasons of its significant engagement. To this date, according to the authors of the guide for elected officials, the commitment of the Paris municipality to foster the implementation of national directives on marriage registration has remained an isolated effort. Despite a national rhetoric emphasizing the

¹⁰⁴ Interview held in Paris on 23rd February, 2011 with Christine Guillemaut, project manager at *Observatoire de l'égalité femmes/homes de Paris*.

role of marriage registration controls in the prevention of forced unions, the French government in fact has not shown any interest in scaling-up what has proved to be a promising yet isolated local initiative – as pointed out by Christine Guillemaut, project manager at the *Observatoire de l'Égalité Femmes/Hommes*.¹⁰⁵

7.3 CONCLUSION

In order to provide a better analytical insight on the nature and evolution of educational policies in the prevention of forced marriage at the local level, the chapter has introduced three further levels of analysis, examining the role of regional, departmental, and municipal authorities in the field of forced marriage prevention in the areas of Paris and Lyon. As it will be discussed in the following sections, the evidence gathered in the three case studies suggests three sets of conclusions.

Firstly, the evidence suggests that there is a striking contrast in France between the social construction of the fight against forced marriages as a major political and public concern on the one hand, and the very limited power and financial resources provided to sub-national authorities to protect young people at risk or victims of the practice on the other hand. Secondly, even though both institutional and associational actors officially frame forced marriage as a form of violence against women, a certain degree of variation appears in the ways relevant actors define the phenomenon across different cities and at different levels of government. Finally, despite general agreement over the selection of the key policy instruments considered most appropriate to tackle forced unions, their use is prioritized by local actors in ways that differ significantly from the one suggested by national policy. Whether the preference expressed by local stakeholders may be, however, in practice the limited authority and financial resources available to sub-national actors renders the adoption of exit solutions the most common form of forced marriage prevention.

¹⁰⁵ *Ibid.*

Forced Marriage Prevention: between the Social Construction of the Practice and Local Realities

Given the limited sample examined, the study does not aim to offer an exhaustive review of the ways in which sub-national authorities deal with forced marriage prevention. Rather, by focusing on three case studies considered at the forefront of forced marriage prevention, the chapter intends to provide a roadmap to interpret and deconstruct French policies and rhetoric on the topic at different levels of government.

Despite the adoption of similar policy instruments, French national authorities have relied more heavily than their British counterparts on the use of regulatory solutions to deal with forced unions, and less on the use of “dialogue” measures (Clark & Richards 2008). The French approach has tended to promote the founding principles of republicanism as universal values, without favouring the creation of a dialogue “between majority and minority communities in order to arrive to generally acceptable norms of conduct” (Phillips & Dustin 2004, 3). In practice, this implies that French authorities have stressed the importance of prevention strategies in an effort to limit the involvement with blatant cases of forced marriage (Neyrand et al. 2008, 24). Additionally, they have avoided launching consultations on forced marriage involving representatives of minority groups and religious leaders. As a result, the working groups on forced marriage organized by different French departments differ substantially from the Working Group on Forced Marriage set up by the British Home Office in 1999.

To implement their strategy, French authorities have relied on three key sets of policy instruments. Firstly, the government has introduced – under the leadership of Nicolas Sarkozy – stricter controls on the registration of civil unions, both *a priori* and *a posteriori*. These controls are prioritized over the use of a more confrontational approach, which would imply the inclusion of minorities in the debate over forced marriage. At the national level, this translates in a more proactive role attributed to consulates in the detection of forced marriages, and a political rhetoric presenting stricter

immigration controls as essential in the prevention of the practice. At the local level, a key role in this process is conferred to municipal authorities. Secondly, French authorities have *de facto* significantly relied on the use of exit solutions, supporting the right of the individual to exit from their family or community (Phillips & Dustin 2004, 4). In practice, this has been translated into the provision of safe accommodations in “generalist” refuges or host families (Neyrand et al. 2008). Overall, exit solutions seem to be the only preventive instrument systematically used across all local authorities examined.

Conversely, the third and last instrument considered - the use of secular education in the prevention of forced unions – has been adopted sporadically and unevenly across the territory, at least according to the evidence reported in this study. Such evidence contrasts sharply with the national official rhetoric and policy, which has repeatedly stressed the preventive role played by schools (Rude-Antoine 2010, 109; Lazaridis 2004, 40-2). The still much-centralized nature of French educational system has constrained the development of prevention policies in the field of education at the local level. To this day, prevention initiatives in this policy area have been developed only on an ad hoc basis – lacking any national guidance on the issue.

As illustrated by the case of Paris, the reluctance of the *Académie* (representative of National Education at the local level) to engage in primary prevention activities - such as the distribution of informative material or the organization of training sessions in schools - represents a key impediment to the development of local prevention policies. Despite an increase since 2008 in the commitment of the *Académie* of the Seine-Saint-Denis, also in this department it is not clear to what extent prevention activities have been translated into practice in educational facilities, and with what results. Interviews held with local representatives of the *Académie* have showed a rhetorical commitment not matched by the introduction of any requirement for schools to engage in such activities.

The *Académie* of the Rhone department constitutes a remarkable exception. Such institution has played a key role in the creation of the

Working Group on Forced Marriage of the Rhone-Alpes region – as pointed out over the course of an interview by Saida Ousmaal,¹⁰⁶ author of the first scholarly study on the initiative (Ousmaal 2008).

In general, rather than by *académies*, the forced marriage prevention programmes examined were initiated under the leadership of sub-national institutions at the regional and departmental levels, especially those working on issues of violence against women in cooperation with NGOs. As repeatedly remarked by the staff of the educational facilities interviewed for this study (teachers, schools nurses, and social workers in six high schools - two per case study),¹⁰⁷ such institutions have played a central role in encouraging the development of educational initiatives at the school level.

Overall, it seems that – similarly to what remarked by Viet with regard to French immigration policies (1998) - in the field of forced marriage prevention French bureaucracy appears to be more oriented than its British counterpart toward innovation, reviewing established institutional structures and practices in order to cope with new challenges brought by immigrants (Zincone & Caponio 2005; Viet 1998). More specifically, the willingness to act of individual bureaucrats has proved essential in the evolution and impact of forced marriage prevention policy at sub-national levels. Remarkable examples in this regard are offered by the pivotal role unanimously attributed by local bureaucrats and NGO staffers to Ernestine Ronai, director of the *Observatoire* in the Seine-Saint-Denis department, and to Mireille Merle, technical advisor to the Academic Inspection of the Rhone department.

Yet, the lack of authority of such institutions on individual schools, as well as the absence of national guidelines on forced marriage prevention, has in practice rendered local efforts patchy and subject to the willingness of headmasters and school staff to adhere to prevention initiatives.

¹⁰⁶ Interview held in Lyon on 25th June, 2010 with researcher Saida Ousmaal.

¹⁰⁷ Interviews held in Paris and Lyon between October 2010 and February 2011 in the following high schools: *lycée Etienne Dolet* (Paris), *lycée Martin Nadaud* (Paris), *lycée Henri Barbusse*, *lycée Sabatier* (Seine-Saint-Denis), *lycée A. Costes* (Seine-Saint-Denis), *lycée Branly* (Lyon), *lycée La Mache* (Lyon).

Although four of the six high schools considered in this study had implemented some kind of forced marriage prevention activity at some point over the past eleven years, they all had interrupted such initiatives as soon as the school staffer(s) supporting the initiative got transferred to another school (which is not uncommon in the French educational system).

Chapter Eight:

**COMPARING FRENCH AND BRITISH APPROACHES
TO THE PREVENTION OF FORCED MARRIAGE: HOW
MUCH CAN HISTORICAL INSTITUTIONALISM
EXPLAIN?**

Models of Immigrant Incorporation and the Prevention of Forced Marriage

The thesis has analysed the way British multicultural and French republican principles have shaped each country's national rhetoric and policies aimed at discouraging parents from limiting their children's freedom to marry. Each country's paradigm of immigrant incorporation has to some extent influenced the overall strategy adopted by the respective public authorities, rendering some options easier to choose than others. Building on the argument advanced by Guiné and Moreno Fuentes about French and British policies targeting female genital mutilation (Guiné & Moreno Fuentes 2007), this study argues that in the case of forced marriage as well "these [immigrant incorporation] models (...) have exerted a considerable influence in determining the delicate balance between the protection of individual and collective rights in these two countries" (Guiné & Moreno Fuentes 2007, 506).

As such models differ substantially in their theoretical foundations to the point of representing "reversed mirror images of one another" (Favell 1998), so do the official approaches to the practice of forced marriage developed by France and the UK. On the one hand, the British multicultural tendency to recognize and value cultural diversity has encouraged the introduction, since 2000, of an official definition of forced marriage. By doing so, British authorities have explicitly acknowledged and accepted the practice of arranged marriage – intended as different from a forced union. Within this context, official rhetoric conceptualizes forced marriage as a matter of violence against women disproportionately affecting ethnic minority communities, requiring the creation of an ad hoc

institutional body (the Forced Marriage Unit) and legislation (Forced Marriage (Civil Protection) Act 2007).

On the other hand, the French republican “blindness” towards cultural diversity has favoured the framing of forced marriage as an issue of violence against women – rather than as a matter of minority cultures - which should be tackled by existing bodies instead of creating ad hoc institutions. Even though both national and sub-national institutions avoid any reference to cultural differences, it is possible to ascertain a certain degree of variation in the ways relevant actors define the practice of forced marriage across different cities and at different levels of government.

The study has also stressed how these different ideological frameworks have defined the structures of opportunity for the participation of different social actors in the struggle to include forced marriage in the political agenda and in the implementation of policies to eradicate the practice. In the UK, the multicultural propensity to adopt dialogic measures when dealing with ethnic and religious minorities has fostered a lively debate on the phenomenon – both inside and outside the Parliament. In France, conversely, ethnic minority NGOs and minority community leaders have played a minor role in national debates on the issue, and consultation processes involving the government and ethnic minority representatives have been practically absent. In other words, each country’s distinct tradition of immigrant integration has influenced not only the official interpretation of the practice of forced marriage (framed, respectively, as a “backward” cultural tradition and a form of gendered violence), but also the terms of the debate – favouring or rendering more difficult the inclusion of certain actors (e.g. ethnic representatives; religious leaders) and the discussion of certain topics (e.g. specialist and mediation services). This pattern seems to confirm the institutionalist claim according to which dissimilar institutional frameworks lead to different policy outcomes across different countries (Thelen & Steinmo 1992).

Yet the analysis of the human rights framework underlying current preventive efforts – and the related policy instruments – has also revealed significant similarities between the two countries’ approaches to forced unions. Despite differences in official conceptualizations of the practice, in both France and the UK such efforts are considered an integral part of the objective of protecting the bodily integrity and dignity of young girls and women and therefore as a human rights issue. Recent changes in British official rhetoric and policies, indeed, have led the UK to insert forced unions in the broader Home Office strategy tackling violence against women (Home Office 2009, 2010) – mirroring, at least formally, the framing adopted by French public officials. By framing forced marriage prevention within the context of violence against women, both French and British authorities explicitly refer to the human rights framework and related international legislation – which aim at supporting individuals in the achievement and protection of human dignity (CEDAW 2008, 4).

Additionally, both French and British national political rhetoric has identified regulatory solutions – in the form of immigration controls - as the set of policy instruments favoured to prevent forced unions through the control of the “overseas” dimension of the practice, albeit through the use of different policy tools (intended as micro devices operationalizing the instrument (Lascoumes & Le Galès 2007) - i.e. higher legal age and language requirements for transnational unions in the UK; use of pre-marital hearings, marriage registration and contract of integration in France).

Local Realities: Different Rhetoric, Similar Policy Instruments

By offering a slightly more nuanced image of both models, the analysis of French and British local policies and rhetoric points out relevant similarities in the institutions and instruments adopted to deal with the practice at sub-national levels of government. In the UK, the creation of an ad hoc national institution (the FMU) has not been matched by the development of ad hoc structures and services at the local level. As a

result, sub-national actors from the statutory and voluntary sectors persist in the use of existing child protection and domestic violence services to prevent forced unions (depending on the age of the victim) – in a way very similar to the practice adopted by their French counterparts.

Another similarity lies in the way France and the UK prioritize the policy instruments available to deal with forced unions at the local level. Despite a rhetorical focus stressing the importance of primary prevention, in both countries the solutions provided by public authorities *de facto* focus on secondary prevention in the form of exit solutions. In the UK, the limited authority and financial resources available to local authorities in the field of education renders the adoption of exit measures the most common form of forced marriage prevention. As in France, the use of such solutions is preferred because it represents the least costly option of all the prevention instruments available to sub-national authorities – both in terms of financial resources and the amount of negotiation required with schools and communities. While offering immediate support to young people in danger, this policy instrument does not require long-term negotiation at the level of individual schools nor within families and minority communities.

Recent developments in the nature of the exit options provided have further strengthened the similarities between the two countries. Consistent with the government's ideological shift from a multicultural to a community cohesion paradigm (term used by the Cantle report to refer to common values and purpose in society - Cantle report 2001) previously analysed, British public authorities have encouraged a transition from the catering of specialist services to ethnic minority women to the financing of more "generic" services – similar in principle to the one their French counterparts favour. In the final report of the Commission on Integration and Cohesion, *Our Shared Future* (2007), it is recommended that "the local authority funding of organizations which cater solely or predominantly to a single ethnic or religious group (single group funding) should be the exception rather than the rule" (Enright 2009, 350). Since

then, the provision of exit solutions offering specialized services targeting the needs of ethnic minority women has significantly decreased. More specifically, the introduction in 2008 of local commissioning through competitive tendering via the Supporting People Programme - a UK wide programme which funds a range of housing related support services for vulnerable people – favours “generic” services, placing “small, specialist, more costly services such as shelters at a disadvantage compared to larger commercial providers which can operate at lower costs” (CEDAW 2008, 15).

A case of Inverted Convergence?

Examined in terms of recent national developments in French and British forced marriage prevention policies and rhetoric, the evidence gathered in the selected case studies implies an important conclusion. To borrow a term used by Latour to describe French and British immigrants’ incorporation policies (Latour 2007), such developments denote a process of “*inverted convergence*” - in which each country seems to acquire some characteristics of the approach adopted by the other country. To some extent, this mechanism echoes what observed by Christian Joppke (2007a) with regard to the process characterizing European integration policies, where “in response to the integration crisis distinct national models of dealing with immigrants are giving way to convergent policies of civic integration and anti-discrimination” (Joppke 2007a, 243).

Applied to the case of forced marriage prevention, the process of inverted convergence can be traced by focusing on the following patterns. On the one hand, despite an official rhetoric framing forced marriage in the context of violence against women, French national authorities and local service providers *de facto* seem to refer to a cultural understanding of the practice (Rocherieux 2010, 1; Neyrand et al. 2008, 22) – similar to the one officially adopted by their British counterparts. Additionally, the use of marriage registration controls – much-trumpeted by official rhetoric and policy – in practice is substituted at the local level by the reliance on

exit solutions (Neyrand et al. 2008; Philippe 2008), which play a central role in British rhetoric and policies. On the other hand, the British appear to be assuming some key aspects of the political discourse on forced marriage that has been so far associated with the Republican model, increasingly relying on the use of regulatory solutions (in the form of stricter immigration controls) at the expense of dialogue measures favoured in the past.

At the local level, the introduction of the Supporting People programme in the UK has further strengthened the similarities between the two countries - encouraging the shift from specialist to generic service provision (Wilson A. 2007). More recently, the development of a national strategy on Violence against Women and Girls has mirrored – at least formally - the French attempt to include forced marriage policies within a broader human rights framework.

These developments show that, despite the different institutional settings that have defined British and French policies toward diversity in general and toward the prevention of forced marriage in particular, important similarities are apparent and require analysis. As most different cases, it is noteworthy that France and the UK are both shifting their forced marriage prevention policy towards one based on the use of stricter controls on transnational marriages at the national level (especially through the use of immigration controls), and greater reliance on exit solutions at the local level. This common trend is significant: as it will be further discussed at the end of the chapter, it is possible that it will have a more general validity across European states.

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Finally, in both countries similarity has been detected at the level of service delivery. Both French and British sub-national actors from the statutory and voluntary sectors converge in using existing child protection and domestic violence services to prevent forced unions (Kazimirski et al. 2009; Neyrand et al. 2008). Despite proving to be more reluctant than their British counterparts to engage and respond to issues of cultural diversity, the analysis of French local policies shows that it is difficult to completely avoid issues of linguistic and cultural diversity. Based on

these considerations, the study envisions a trend towards what Caponio (2010) defines as *functional recognition*, a strategy in which accommodation of diversity is formulated as a strategy to overcome obstacles in the delivering of existing services to ethnic minority people (Caponio 2010; Lipsky 1980). Even though French official policies and rhetoric condemn the adoption of specialist services, in practice such services – especially in the forms of interpretation and mediation - are implemented on an ad hoc basis.

As a result, while local practices often turn out to be inconsistent with national rhetoric, in both countries it is possible to note a convergence towards practices of formal and/or informal recognition of cultural differences in making services accessible/available to ethnic minority women. Clearly, this should not be automatically considered as equivalent with a move towards the inclusion and participation of ethnic minority women and their organizations in policy-making – as the analysis of the French case demonstrates.

8.1 DIFFERENT INSTITUTIONS, SIMILAR OUTCOMES: THE LIMITS OF HISTORICAL INSTITUTIONALISM AND THE ROLE OF POLICY FRAMES

While historical institutional theory can help shed light on the policy process and the institutional structure characterizing the prevention of forced marriage in both France and the UK (and how this relates to each country's policy of immigrant incorporation), it cannot successfully account for the similarities of policy outcomes across these two countries. Such an approach cannot help ascertain the reasons why different policy measures aimed at the prevention of forced marriage in different institutional contexts have led to similar policy outcomes, represented by the adoption of similar policy instruments.

It is the goal of this study to show that ideas – in the form of *frames* (Bleich 2003) – best contribute to explain the reasons why French and British policies aimed at the prevention of forced unions have led to similar outcomes (represented by the adoption of similar policy

instruments) despite different institutional contexts. Notwithstanding differences in the policies and strategies adopted by multicultural Britain and republican France to tackle such phenomenon, *the study hypothesized a common trend in the ways French and British public authorities frame prevention policies and the underlying assumptions about gender relations, which in turn influence the identification of policy instruments to prevent forced unions*. This consideration does not imply some form of determinism which would render policy choices irrelevant. Rather, by promoting specific problem definitions and focusing actors' attention on a selected range of possible solutions, specific conceptualizations of forced marriage can affect the eventual policy enacted and the subsequent policy outcomes (Bleich 2003, 28). Without ever being the sole cause of outcomes, they render the selection of certain policy instruments and related tool easier than others.

In making this argument, the study follows Erik Bleich's (2003) approach to policy frames, and his attempt to "formulate a model of interaction between ideas and policymaking that illuminates the influence of frames on the policy process in general" (Bleich 2003, 15). According to Bleich, "frames are the set of interpretations, cognitive schemas, linguistic tools, causal beliefs and normative sensitivities that an actor applies when conceptualizing a policy domain" (Bleich 2003, 29), and "serve to organize information, empower certain actors, define goals, and constrain actions" in a specific policy sphere (Bleich 2003, 29). As cognitive maps, frames include "definitions, analogies, metaphors, and symbols that aid actors in conceptualizing a political or social situation, identifying problems and goals, and charting courses of action" - helping actors select amongst the information available on a specific policy area, while also helping make sense of such information (Bleich 2003, 27-29). Additionally, frames also work as "moral maps" (Bleich 2003, 28), assigning positive, negative or neutral valence to terms, and vesting certain groups or individuals with authority to speak for a cause (Bleich 2003, 28).

Following Bleich, the research has attempted to isolate “frames as variable[s] in their own right” (Bleich 2003, 15) in order to argue that they are the most significant factors accounting for French and British policy tool convergence despite institutional divergence in the field of forced marriage prevention. Obviously, it is important to be aware that public discourses and official rhetoric might not always reflect privately held frames. Additionally, it is also essential to consider that frames might be distributed unevenly within society (Bleich 2003, 32) and across different institutional levels.

The identification of relevant frames is only the first step in the process. As Bleich suggests (2003, 32), “for frames to be important in the policymaking process, a core group of significant actors must be operating with identifiable frames prior to and during policy negotiations”. In order to demonstrate the relevance and estimate the importance of policy frames in explaining French and British policy outcomes in this policy area, it is essential to outline their relationship to social groups and/or individual actors (Bleich 2003, 29) across and within countries. Thus, if frames are important in determining policies designed to prevent forced unions, the empirical record will show that relevant actors in France and Great Britain hold coherent policy frames – that is, their beliefs are organized within a consistent structure stable over time, which is likely to impact on policymaking. In other words, policy frames in the prevention of forced unions will “precede policymaking (...) and will be evident during policymaking” (Bleich 2003, 32). Similarly, new policy initiatives will be consistent with and reflect the implications of existing policy frames (Bleich 2003, 33).

The following sections will show that the actions of French and British policy-makers share a common foundation – resting on similar sets of ideas concerning the definition of the problem of forced marriage, its structural causes, and its moral evaluation. This in turn has influenced the subsequent identification of the policy instruments – and related tools and techniques - considered most appropriate to prevent and limit the phenomenon.

8.2 MULTI-LEVEL ANALYSIS AND POLICY FRAMES

The Case of France

Comparing French local policies and rhetoric to their national counterparts, *the study has detected a significant level of similarity in the ways national and sub-national institutions frame forced unions*. At every level of government, a rhetoric centred on the promotion of women's rights informs the actions of institutional and associational actors alike. While it is undeniable that the use of a "pseudo-feminist" rhetoric has rendered old security issues – such as immigration control - more progressive (Durand & Krefa 2008, 198), this has not been matched by an effective political commitment to ethnic minority women's rights (Hamel 2005). Despite the much trumpeted political emphasis on fighting violence against women, as of 2008 few resources were devoted by French authorities to policies fighting "cultural" forms of violence against women (Durand & Krefa 2008, 1999).

Along with the shared reference to a human rights framework centred on women, however, *it is also possible to observe some divergence in terms of the definition of the practice*. Lacking an official definition of forced marriage, different actors tend to rely on different understandings of the phenomenon – sometimes analysed through the lens of bogus marriage, or interpreted as equal to arranged marriage.

Finally, the analysis of the three case studies has also suggested *a significant degree of divergence in terms of the prioritization of the policy instruments considered most appropriate to tackle forced marriage at different levels of government*. Compared to the policy solutions envisaged by national institutions, sub-national levels of government are characterized by a stronger reliance on exit options rather than marriage controls.

These conclusions might vary when dealing with localities not included in the study, depending on the composition of the policy network tackling forced marriage prevention in each area. On the one hand, the level of

engagement of sub-national institutions working on women's rights and on violence against women might vary by municipality, affecting the likelihood of forced marriage prevention being on the local policy agenda in the first place. In addition, the ways in which individual bureaucrats in such institutions and other relevant government agencies (e.g. child protection, education) conceptualize and deal with the issue of forced marriage might vary across the territory depending on their personal beliefs and professional background. The case of the Seine-Saint-Denis department is illustrative. The role played by the president of the departmental *Observatoire des Violences envers les Femmes*, Ernestine Ronai, has proved pivotal in making the department not only one of the first ones to tackle forced marriage in the country, but also the first one to develop and adopt specific guidelines on the issue – now considered an example to follow throughout France. On the other hand, the positions of non-governmental workers are likely to stay unchanged. The limited number of French NGOs working on forced marriage, and their ability to be consistently represented throughout the territory, minimizes the chances of inconsistency between their national and local rhetoric and actions.

Conceptualizing Forced Marriage: Recurring Policy Frames amongst Institutional and Associational Actors

Keeping in mind this caveat, the study has identified several *leitmotifs* in the way institutional and associational actors officially frame the issue of forced marriage across the localities examined and across different levels of government. The first of such elements is the conceptualization of the practice primarily as a form of violence against women, rather than as a practice typical of certain cultural traditions. The very structure of French institutions – purposely blind to cultural and ethno-religious differences – encourages this interpretation, providing multiple forums to discuss issues of violence against women at different levels of government (e.g. regional delegations on women's rights and their departmental missions; departmental commissions on violence against women).

By officially framing forced marriage primarily as a form of violence against women, victims of the practice – often belonging to ethno-religious minority communities - are expected to take the same steps taken by French autochthonous women to emancipate, without benefiting from the provision of specialist services. After all, as Bernard Javaudin, Inspector of the Academy of the Rhone department, remarks: “if we look at the story of our country, we know that forced marriage was part of French civilization”. Yet, it should be emphasized that the representation of autochthonous women as emancipated neglects the extensive state support they have received to obtain such emancipation. French society – Javaudin continues – ended the practice of forced marriage “thanks to an array of [public] actions, one being the interventions in the educational sphere” (DRDFE 2006b, 4, translated by the author). Conversely, the achievement of independence of ethnic minority women is usually expected to be the result of individual efforts, rather than of a prolonged intervention by the state – as the logic represented by the *contrat d’accueil et d’intégration* shows (Cour des Comptes 2004, 300).

The second element characterizing the dominant forced marriage policy frame is the emphasis on the notion of consent at the “entry” into a forced relationship – echoing a similar emphasis adopted by British authorities since 2000 (Home Office 2000, 6). At the national level, despite the lack of a juridical definition of forced marriage, the importance attributed to the issue of consent at the entry into a forced relationship is confirmed by the pivotal role played by French legislation to verify the authenticity of consent at the moment a civil union is sealed. At the local level, the centrality of consent can be gathered through the definitions of the practice suggested by departmental and regional authorities. Despite sometimes conflicting in the ways they relate forced to arranged forms of marriage, all definitions stress the absence of consent of at least one of the spouses (DRDFE 2002; 2004; 2006a; 2006b).

Along with these relevant similarities, the study has also identified two elements suggesting a certain degree of divergence between the ways in

which national and local policies on forced marriage prevention frame their efforts at different levels of government. Such elements are represented by the coexistence of different definitions of forced marriage, as well as different prioritization of the policy instruments considered most appropriate to tackle the practice.

Despite the refusal to adopt an official definition at the national level, sub-national authorities and non-governmental associations have attempted to adopt working definitions to guide their preventive efforts. The result is an array of interpretations – all characterized by a focus on the issue of consent, and yet presenting some relevant differences. The interpretation most resembling the one adopted by the British Home Office (Home Office 2000) is proposed by Christine Jama, director of the association *Voix de Femmes*. “A forced marriage” – Jama writes in a scholarly work on family law – “is an intra-familial violence, both physical and psychological, which forces a person to marry someone else against his/her will” (Jama 2007, 91, translated by the author). Jama’s interpretation is of particular relevance, given the active collaboration of her organization with many of the institutions examined for this study. Yet, it is far from being unchallenged. Remarkably different definitions can be found even within the same institution across different geographical areas. The Child and Maternal Protection units (*Protection Maternelle et Infantile* - PMI) of the neighbouring departments of Paris and Seine-Saint-Denis offer the most noticeable example of such a pattern. While the director of the PMI of Paris, Malika Amellou, refers to forced marriage as a practice distinct from arranged marriage,¹⁰⁸ the director of the same institution in the Seine-Saint-Denis department – Emmanuelle Piet – considers forced and arranged unions two different names for the same phenomenon: “marital rape” (translated by the author).¹⁰⁹

A similar example is provided by the regional delegations on women’s rights (DRDFE) of the Ile-de-France and Rhone-Alpes regions. While

¹⁰⁸ Interview held in Paris on 16th December, 2010 with Paris PMI director Dr. Malika Amellou.

¹⁰⁹ Interview held in Paris on 20th November, 2010 with Seine Saint-Denis PMI director Dr. Emmanuelle Piet.

staffers of the DRDFE of the Ile-de-France have tended to use the terms “arranged” and “forced” interchangeably during the interviews held for the purpose of this study, the regional delegation of the Rhone-Alpes regions has opted for a definition of forced marriage as distinguished from arranged marriage. The study on forced marriage commissioned by this delegation in 2005 explicitly distinguishes forced from arranged unions – echoing the conceptual framework adopted six years earlier by the Working Group on Forced Marriage set up by the Home Office in 1999. The difference between forced and arranged marriage – the study argues – is a “primordial semantic difference” (DRDFE 2006a, 5, translated by the author). Arranged marriages “imply a negotiation with the spouses”, while in forced unions “the notion of consent is completely discarded” (DRDFE 2006a, 5, translated by the author).

More often, however, the distinction between arranged and forced forms of marriage is left blurred – as shown by the conceptual ambiguity noted during the majority of the interviews held with members of French NGOs and local bureaucrats working on the issue. The innovative protocol on forced unions developed by the Seine-Saint-Denis department, for instance, avoids offering a definition of the practice (Conseil Général de la Seine-Saint-Denis 2006). As the goal of the document is to guide professionals in the implementation of the law, the Protocol reflects the willingness of the national legislator to avoid any specific definition. As a result, not only was a significant variation in the conceptualization of the practice suggested by professionals active in different social services of Seine-Saint-Denis noticeable over the course of the interviews, but also variations between the definitions adopted by local bureaucrats working together in the same government agency in the same geographical area.

It should be stressed that the adoption of a certain definition over another – while important in favouring a specific set of policy instruments over others at the national level - does not seem to have relevant consequences in terms of policy instruments selection at the local level. The selection of instruments at sub-national levels appears to be influenced by more contingent factors – namely, the lack of adequate funding and a

pragmatic, rather than ideological, approach to local needs. However, the ways in which local actors define forced unions is likely to influence the implementation of such instruments – as shown by the evidence gathered through in-depth semi-structured interviews. More specifically, supporters of a clear distinction between arranged and forced forms of marriage tend to be more sensitive to the needs of ethnic minority communities, acknowledging - at least unofficially – the need for specialist services. On the contrary, bureaucrats and NGO workers rejecting any distinction between arranged and forced unions strongly prefer the use of generalist services, leaving no room for the recognition of cultural difference – consistent with the Republican tradition of incorporation.

The Case of the UK

The French republican tendency to frame the practice of forced marriage in the broader “a-cultural” context of violence against women (Collet & Santelli 2008; Philippe 2010) contrasts with British authorities’ explicit designation of forced marriage as the product of “backward” cultural traditions (Dustin & Phillips 2008) clashing with British liberal values. Yet, despite remarkable differences in terms of the ways French and British national and sub-national authorities officially conceptualize forced marriage, there are nonetheless similarities in the institutions and instruments adopted to deal with the practice at the local level. In the UK, the creation of the Forced Marriage Unit has not been matched by the development of ad hoc structures and services at the local level, which continues to rely on existing child protection and domestic violence structures, policies and procedures (FCO et al. 2008, 16). As in France, this seems to be the most practical option in terms of utilizing pre-existing services and maximizing the use of available resources and capacity.

Another similarity lies in the way France and the UK prioritize the policy instruments available to deal with forced unions at the local level. Despite a rhetorical focus stressing the importance of primary prevention, in both countries the solutions provided by public authorities *de facto* focus on

secondary prevention in the form of exit solutions. The limited decisional power and financial resources available to British local authorities in the field of education renders the adoption of exit measures the most common form of forced marriage prevention. As in France, the use of such solutions is preferred because it represents the least costly option of all the prevention instruments available to sub-national authorities – both in terms of financial resources and the amount of negotiation required with schools, families and communities.

The shared preference for exit solutions raises issues about which dominant policy frames actually influence policy decisions at lower levels of government. Despite proving helpful to explain similarities in the choice of policy instruments at the national level, policy frames seem to play a secondary role at sub-national levels of government. At such levels, the choice of policy instruments is driven primarily by the amount of resources available, and – to a lesser extent – by pragmatic considerations. This does not imply discarding the role of frames at the local level. Frames are still critical in determining whether local authorities will tackle the issue of forced marriage prevention in the first place. The structure and composition of local policy networks – along with the conceptualizations of forced marriage characterizing them – heavily influence the likelihood that the issue will be on the policy agenda.

These findings suggest a significant divergence between the use of policy instruments as advocated by national rhetoric, and the ways in which this is translated into local practice in both France and the UK. Despite the differences in the ways different levels of government prioritize the use of available policy instruments within and across these countries, however, the nature of such instruments does not change. Therefore, the issues arising from the adoption of these instruments by national policies are valid also with regard to their use at the local level. Based on these considerations, the following sections will closely examine French and British policy instruments at different levels of government, and will subsequently explore the ways in which current state policies tackling

forced marriage may produce a perverse effect (Hirschman 2003, 36; Sieber 1981) whereby the policy responses to combat the phenomenon reduce the marriage options of certain societal groups (i.e. through immigration restrictions) or risk worsening the conditions of the women they seek to help (i.e. through inadequate exit solutions), rather than increasing their freedom to marry.

8.3 ANALYSIS OF POLICY INSTRUMENTS

Similar Instruments, Different Priorities: an Analysis of French Policy Instruments at Different Levels of Government

French national authorities have resorted to three sets of policy instruments to prevent forced unions: stricter marriage controls (through pre-marital hearings and marriage registration, both domestically and internationally); the provision of generalist exit solutions; and the use of secular education for primary prevention initiatives. Initiated with the amendment to the code of civil procedure introduced in 1993 to fight bogus marriages, the use of regulatory solutions has continued through the introduction of legislative measures such as the so-called MISEFEN law in 2003 and the Hortefeux law in 2007. The adoption of exit solutions has been encouraged through the development of domestic violence legislation (law n. 2006-399, 4 April 2006, and law n. 2010-769, 9 July 2010). Conversely, the rhetorical emphasis on the importance of secular education has not been followed by relevant legislative changes, despite the launch by the inter-ministerial committee on integration of a forced marriage plan to prevent the practice in schools in April 2003.

Compared to the policy solutions envisaged by national institutions, those adopted by sub-national levels of government are characterized by a limited relevance attributed to marriage registration controls, a greater reliance on exit solutions, and a patchy use of educational initiatives. As a result, there is a significant divergence between the use of policy instruments as advocated by national rhetoric, and the ways in which this is translated into practice in the localities examined.

As far as marriage controls are concerned, their relevance is significantly toned down at sub-national level of government. Despite the existence of initiatives aimed at training municipal civil servants working on marriage registration, all relevant agencies working on forced marriage in the areas of Paris and Lyon have repeatedly stressed the limited impact of pre-marital hearings to verify the authenticity of consent. By limiting their action to civil unions, this measure is unable to reach other forms of marriage – such as the widespread phenomena of religious or traditional unions. Additionally, without an adequate amount of training and resources, it is unlikely that pre-marital hearings will be effectively implemented throughout the territory – as suggested by NGO workers directly involved in the provision of such trainings.

The relevance of the second policy instrument advocated for by official national policy - the use of secular education to prevent forced unions – is also noticeably less significant when observing local realities. Despite playing a key role in the rhetoric on forced marriage adopted both at the national and local level, primary prevention activities in the field of education – whether in the form of awareness raising or training of professionals – are still rare. The reason for their scarcity is not the lack of trust in its preventive role – unanimously acknowledged by all interviewees.¹¹⁰ Rather, it is the lack of adequate funding – as repeatedly pointed out by the non-governmental associations, sub-national institutions and high school staff contacted for this study. In addition, the lack of national statutory practice guidelines further hinders preventive efforts, as school principals are often reluctant to deal with an issue as sensitive as forced marriage, and fear to intervene in minority community affairs (Lazaridis 2004, 30). Rather than by *académies* (the local representatives of National Education), the forced marriage prevention programmes examined were initiated under the leadership of sub-national

¹¹⁰ Especially health professionals working in schools and/or with young people in the areas object of this study, such as Christine Jollivet (school nurse, interviewed in Paris on 14th January 2011) ; Martine Beauplet (obstetrician, interviewed in Paris on 18th January 2011); and Dr. Emannuelle Piet (head of the Maternal and Child Protection service in the Seine Saint-Denis department, interviewed in Paris on 29th November, 2010).

institutions at the regional and departmental levels, especially those working on issues of violence against women in cooperation with NGOs. With the exception of the Rhone department, *académies* proved extremely reluctant to initiate primary prevention activities - such as the distribution of informative material or the organization of training sessions in schools. Even when available, it is unclear whether and how such strategies are currently being implemented by National Education - due to the lack of any monitoring and/or evaluation. At the moment, forced marriage is not mentioned in the national curriculum, and there are no statutory guidelines on the practice to guide the actions of professionals working in educational institutions.

Overall, sub-national authorities attribute a greater importance to exit solutions than the one given by the government's official policy and rhetoric. As a result, there is a clear disconnection between the use of marriage registration controls – strongly advocated for by national authorities – and the instruments most valued by local authorities to prevent forced unions. Exit solutions represent the most viable policy option for sub-national authorities for several reasons: they are coherent with the interest and logic of all the actors concerned, protect women in a cost-effective manner, and respect the logic of the republican model of incorporation. At sub-national levels of government, a sort of functional strategy prevails, in that exit solutions are regarded first and foremost by local bureaucrats as a way to provide immediate support to young people in danger while minimizing the amount of negotiation with individual schools and/or with families and minority communities. In other words, exit solutions represent the least costly option – both in terms of negotiation and financial resources required – of all the prevention instruments available to sub-national authorities.

Different Rhetoric, Similar Policy Instruments: an Analysis of British Policy Instruments at Different Levels of Government

The chapter on British national policies has unveiled the co-existence of two discourses concerning the eradication of forced marriage, accompanied by distinct sets of policy tools. On the one hand, there is an official rhetoric increasingly committed to tackle the domestic dimension of forced marriage. As shown by legislative developments over the last few years, this rhetoric centres on a reliance on exit strategies through the adoption of the Forced Marriage (Civil Protection) Act 2007, the use of Multi-Agency Risk Assessment Conferences (MARACs), and the increasing use of generic services since the introduction of the Supporting People Programme in 2003. On the other hand, the introduction of English language requirements and higher marital age for transnational unions to handle cases involving a foreign spouse has suggested, at least until the recent ban of the latter measure in November 2011, the persistence of the focus on the overseas dimension of the practice.

In addition to such a contrast, the analysis of local realities has unveiled the existence of another tension in the British efforts to tackle forced unions. Despite recent rhetorical attempts to interpret and frame forced marriage within the broader framework of violence against women (Home Office 2009, 2010), a policy practice treating issues such as forced marriage, “honour” crimes and domestic violence as an isolated matter (House of Commons 2008b, 165) persists. In Birmingham, for instance, the difficulties of multi-agency coordination have severely hampered the effectiveness of the Violence against Women Board in leading the efforts against forced marriage. According to the City’s Violence against Women Strategic Lead, the attempts to address the phenomenon within the context of violence against women are challenged by the impossibility to get national and municipal directives fully transmitted and implemented by frontline practitioners.¹¹¹ Along with possible conflicts of interest among different agencies and the non-statutory nature of official

¹¹¹ Interview held by phone on 9th May, 2011 with Paula Harding, Violence against Women Strategic Lead at Birmingham City Council.

guidelines, respondents in statutory agencies and educational facilities cited the lack of training received as one of the key obstacles encountered. As argued by a former Domestic Violence coordinator based in London, Janet Bowstead, in the Home Affairs Select Committee Sixth Report, “effectiveness has often been frustratingly limited by the difficulties of coordinating an unfunded Domestic Violence Forum, made up of officers whose first priority is their frontline service, and who are often unsupported by their managers in taking on any multi-agency work” (House of Commons 2008b, 126). In London, “the councils which have been most effective in their multi-agency approaches and outcomes dedicate core funding to domestic violence coordination and multi-agency administration and functioning” (House of Commons 2008b, 126).

Finally, by focusing on two case studies, the research has observed a striking contrast between the social construction of the fight against forced marriages as a major political and public concern and the very limited power and financial resources provided to local authorities – echoing the concerns expressed in 2008 by the Committee on the Elimination of Discrimination against Women (CEDAW 2008, 29). As a result, *local practices continue to privilege initiatives focused on secondary prevention (which primarily tackles high-risk cases in the short term), at the expense of primary prevention (which focuses on long-term comprehensive prevention strategies through educational initiatives)*. Much advocated by British national rhetoric, the implementation of primary prevention strategies is *de facto* severely undermined by its non-statutory nature and lack of funding. As a result, local authorities tend to rely on the use of exit solutions through MARACs, forced marriage protection orders (FMPOs), and increasingly under-resourced specialist services for the prevention of forced marriage amongst ethnic minority women. The following section will show the possible shortcomings related to the use of prevention strategies centred on immigration controls and exit solutions in the promotion of young people’s freedom to marry.

The Limits of Immigration Controls

As pointed out by a 2010 report examining family migration policies in nine European countries (including France and the UK), “contemporary migration management largely operates through allocating differential rights to different categories of migrants and thus through legally discriminating against (certain categories of) foreign nationals” (Kraler 2010, 13). Within the current debate on integration, family migration policies have been particularly subject to restriction, as “the migrant family is increasingly seen as “characterised by patriarchal relationships and illiberal practices and traditions”, and thus as “an obstacle to integration” (Kraler 2010, 1, 6, 25). It is in this context that forced marriages have become a major issue taken up by national immigration policies.

In France, the choice of stricter controls on marriage as key preventive tools is considered by some civil society organizations and local bureaucrats to be not only ineffective (as the majority of forced unions take place in front of religious, rather than civil, authorities), but also indirectly harmful – as it diverts available resources from other critical preventive measures (such as the training of officials managing the *contrat d'intégration*, or the creation of women’s shelters). Most importantly, interviews with local NGO staffers have found how the inadequate provision of exit solutions could even worsen the situation of those at risk or victims of the practice, leading some of them to return to their abusive families (Philippe 2008). Even though the lack of studies on the effects of such measures renders it impossible to confirm or refute such claims, this perspective is shared not only by NGO staffers and experts, but also by the majority of local bureaucrats interviewed for the study. As these respondents belong to the very agencies responsible for implementing marriage controls in the cities of Lyon and Paris, they have requested not to be quoted by name.

In the UK, until recently the requirement of a higher marriage age for transnational spouses created “a dual marriage age system, where some couples are denied the right to family reunification only on the basis of their nationality or ethnic origin” (Gangoli & Chantler 2009, 279). As argued by Gangoli and Chantler (2009, 279), this discriminates against

ethnic minority members, which are more likely to engage in transnational unions. Recently, the British Supreme Court ruled that the higher age requirements for transnational unions – introduced in late 2008 – unlawfully interfere with the couples’ right to a private and family life (Supreme Court 2011). This judgment comes three years after a study on the effects of the age limit commissioned by the Home Office. On the basis of focus group discussions held with members from a wide range of minority communities, the study stresses the risk that a higher age limit might increase the chance for victims to be abducted to a foreign country (Hester et al. 2007, 21-2). Building on the study’s findings, Gangoli and Hester also point out the possibly discriminatory nature of such measures with regard to people belonging to ethnic minorities (who are more likely to engage in a marriage with a partner from outside the European Union) (Gangoli & Chantler 2009, 284). The authors draw these conclusions from interviews and focus groups held with a range of voluntary and government agencies as well as forced marriage victims from several minority communities.

The Limits of Exit Solutions

The British Case

Despite their necessity, exit solutions as currently formulated and framed also present important limitations in terms of increasing young people’s freedom to marry in ethnic minority communities – a point recognized by several British activists and numerous scholars (Shachar 2001; Phillips & Dustin 2004; Chantler et al. 2009; Enright 2009; Wilson 2010).

Firstly, voicing a concern shared by the majority of the voluntary sector, Anjum Mouj at Imkaan stresses the implications of the recent shift – following the introduction of the Supporting People Programme in 2003 – from a specialist to a generic service provision. According to Mouj, from the perspective of NGO workers dealing daily with the needs of ethnic minority women, generic services, rather than being open to everybody, as the name would suggest, are in practice a specialist service for people who speak English. Based on this observation, Mouj argues, the request

for specialist services simply represents asking for the same level of service provision for ethnic minority women – rather than an extra service (House of Commons 2008b, 75). As pointed out by her colleague Sumanta Roy, Imkaan’s capacity building manager, to the Home Affairs Select Committee on March 25th, 2008, “Supporting People seems somewhat an ironic name now, given (...) [it] has led to local authorities having incremental budget cuts which, in turn, has led to refuges having to experience funding cuts and, as a consequence, lose key services; services that are key to supporting women and children who experience domestic violence - for instance, services for children, outreach work, advocacy and counselling services” (House of Commons 2008b, 76).

Secondly, exit solutions, whether generic or specialist, do not address the root causes of forced marriage as a phenomenon (Phillips & Dustin 2004, 27) – as previously explained in chapter four. Despite representing “a valuable tool in dealing with emergency situations” - argues Birmingham Violence against Women Strategic Lead, Paula Harding – “they prove inadequate in less dangerous, but still critical, cases”. In addition, “the focus on MARACs” – Harding continues – “leaves no room for adequate funding of preventive work – especially in schools”.¹¹²

Thirdly, they leave unaddressed the discriminatory gender relations at the basis of many forced marriage cases, failing to take into account the economic and psychological conditions which might render choice not an option for many women (Chantler et al. 2009, 603; Enright 2009; Anitha & Gill 2009). As argued by Gangoli and Chantler (Gangoli & Chantler 2009), the notion of what is perceived to be “normal” and “acceptable” varies significantly across cultures. “Many minoritised communities (...)” – the authors claim – “highly value interdependence” and the “sense of duty and obligation to other family members” which accompanies it (Gangoli & Chantler 2009, 280). As a result, norms related to family ties or to sharing familial wealth might render particularly difficult for a

¹¹² Interview held by phone on 9th May, 2011 with Paula Harding, Violence against Women Strategic Lead at Birmingham City Council.

young person in such communities to escape her/his family (Gangoli & Chantler 2009, 279).

Far from being exclusive to the British case, the limits of an approach centred on the provision of exit solutions can be also applied to French prevention strategies. British public rhetoric has however shown an awareness of the risk inherent to an approach exclusively focused on exit that is largely absent in French official rhetoric. As the UK *Guidance for Educational Professionals* (FCO 2005, 8) points out, “for young people, especially females from ethnic minority communities, leaving their family can be especially hard”, as “the young person may have no experience of life outside the family” (FCO 2005, 8). Additionally, the British government acknowledges that leaving the family “may lead to social ostracism and harassment from the family and community”, often forcing those who do leave to live in fear of being found by their own families (FCO 2005, 8). Yet, despite the official recognition of the limits of an approach exclusively centred on exit solutions, no suggestions are provided as to how to support young people who do not want to – or cannot – leave their family and community.

The French Case

Despite the lack of scholarly works exhaustively addressing the issue of forced marriage prevention in France, the analysis of policy documents and findings from in-depth semi-structured interviews conducted for the purpose of this research have repeatedly shown an increasing awareness amongst French policy-makers and activists of the limits of exit-centred prevention strategies (as discussed in the chapter devoted to French local policies). To these limits, one should add the discretion often characterizing the implementation of exit solutions in France. Repeatedly remarked upon by French activists and local bureaucrats, such discretion would be particularly evident in the case of the *contrat jeune majeur(e)*, one of the most important tools available to NGOs and local institutions to assist forced marriage victims aged over 18. The contract aims at “providing

material, educational and psychological support (...) to adults aged under 21 facing social difficulties that may seriously jeopardize their balance or who are struggling for social inclusion due to the lack of resources or adequate family support” (Article L.221-1 of the *Code de l'action sociale et des familles* (CSAF), translated by the author).

As pointed out in front of the Senate in March 2010 by Emmanuelle Piet, a medical doctor with extensive experience in forced marriage cases in the Seine Saint-Denis department, and then repeated vehemently over the course of an interview, the enforcement of such contracts is “discretionary” (Piet 2010, 1, translated by the author), often depending on the willingness of local institutions – namely, the departmental *Conseils Généraux*.¹¹³ “There is no way to help young adults” – the doctor continues – “and it’s dramatic” (Piet 2010, 1, translated by the author). According to Piet, “it is sometimes very difficult for these girls to find a way out. It is not enough to say: ‘Come on, we will protect you.’ This girl has suffered a real trauma. We’ll have to deal with this trauma, take her to an institute for victims, helping her to understand and protect her, because if she is not truly protected, you cannot help her. This calls for measures targeting young adults other than discretionary ones” (Piet 2010, 1, translated by the author).

In some cases the inadequate provision of exit solutions could even worsen the situation of those at risk or victims of the practice, leading some of them to return to their abusive families – as pointed out by the director of *Voix de Femmes*, one of the leading French NGOs tackling forced marriage.¹¹⁴ Often dependent on their parents economically, morally, and emotionally, many young women find escaping their own family extremely difficult.

According to sociologist Smaïn Laacher - author of one of the first studies on violence against women of immigrant origin in France (Laacher 2008)

¹¹³ Interview held in Paris on 20th November, 2010 with Seine Saint-Denis PMI director Dr. Emmanuelle Piet.

¹¹⁴ Interviews held in Paris on 17th July, 2010 with Voix de Femmes director Christine Jama.

– the reasons for such difficulties lay in the peculiarity of forced marriage as compared to other forms of domestic violence. “In order to escape domestic violence” - Laacher argues – “a woman can get rid of her husband by divorce. (...) In the case of a forced marriage, it is difficult for a girl to cut her family or her community” (Le Monde 19/11/2008, translated by the author). Without labelling forced marriage a phenomenon exclusive to minority communities, Laacher stresses the limits of an approach which by refusing to acknowledge the cultural aspects of the practice may render it difficult for victims to refuse an unwanted marriage. In particular, the lack of structures suitable to host young girls who are victims or at risk of a forced union renders more difficult the efforts of young people to gain control over their marital decisions. As pointed out by Christine Jama, director of *Voix de Femmes* – an organization supporting about 250 women victims of forced marriages each year – “when we are forced to place them in a refuge, they crack and return to their parents” (Le Monde 19/11/2008, translated by the author). In other words, as argued in an article published on *Le Monde* in 2008, “beyond prevention and denunciation, arises the question of support for young women” (Le Monde 19/11/2008, translated by the author).

8.4 CONCLUSION

The key aim of the qualitative research undertaken in this study was to develop a comparative historical framework to understand contrasts in French and British practices toward forced marriage, and how these practices paradoxically resulted in similar outcomes. The analysis of the selected localities has contributed to ascertaining whether and to what extent there is variation in the official policies and discourse selected to address forced unions by different levels of government, and in the policy instruments favoured to act against forced unions at each level. In addition, it has offered the opportunity to discuss the ways in which different policy instruments are likely to enhance or undermine young people’s freedom of choice in marriage.

The study has hypothesized that variations in policy outcomes – measured in terms of variations in the policy instruments and selected tools favoured by various levels of government - depend substantially on the variation of policy frames regarding forced marriage and its prevention across key stakeholders. In order to substantiate such claims, the competing framings of forced marriage amongst key stakeholders have been examined, and the location of gatekeepers and their priors have been discussed (Bleich 1998). Simultaneously, the role of other concurring factors has been considered – such as the influence of political configurations at different institutional levels, the leadership of specific individuals and their political will, and the impact of available financial and institutional resources (i.e. funding, level of interagency cooperation at the local level, and patterns of rule application). Pragmatic considerations have also been examined, including the preference amongst national authorities for solutions requiring a short-term vs. a long-term commitment, as well as the preference of local authorities for solutions minimizing the potential for conflict with minority communities.

Building on these considerations, the analysis of local realities has led to further specification of the study's claim concerning the relevance of policy frames in explaining cross-country similarity of policy instruments. Fieldwork has confirmed that frames significantly help explain the choice of similar policy instruments at the national level. In both countries, the tendency among public authorities to perceive forced marriage as a practice "imported" by "backward" cultural traditions has favoured the adoption of immigration controls. At sub-national levels of government, the way in which key members of local policy networks conceptualize forced marriage has contributed to determine the likelihood of the practice being included in the policy agenda. Within the limits imposed by the local agenda, however, the final selection of policy instruments seems to be dictated primarily by the amount of resources available – rather than by the beliefs of local actors.

The following table aims to provide a schematic summary of the key factors affecting the selection of policy instruments at the national and local level in both France and the UK.

8.4 Factors affecting the selection of policy instruments

	National Policy Instruments	Sub-national Policy Instruments
Policy Frames	The interpretation of FM as a practice “imported” by backward traditional cultures encourages the adoption of regulatory solutions (immigration controls in both FR and UK – i.e. marriage registration and pre-marital hearings in France; higher age limit and language test in the UK)	Policy frames play a significant role in policy agenda setting (influencing the likelihood of forced marriage being tackled in the first place) They also contribute to a preliminary selection of instruments (based on what is “acceptable” or not in each country – e.g. mediation)
Resources	Availability of resources affects the implementation of the selected instruments, but it does not determine their selection	Resources determine the final selection of instruments (exit solutions in both France and the UK)
Pragmatic Considerations	Preference to adopt a quick fix rather than engaging in long term intergenerational change	Preference to avoid engaging in what are perceived to be minority community affairs

The research has also explored the presence in the selected case studies of educational practices usually considered fostering “tradition”, rather than women’s empowerment – such as girls’ religious education – and the ways in which such practices might encourage the development of girls’ autonomy (Dwyer 2000; Brown 2006). Despite the existence of studies – such as those conducted amongst British Muslim communities by Dwyer (2000) and Brown (2006) – showing how young Muslim women may be able to use religious symbols to resist parental pressures and negotiate an increased marital freedom, no evidence was found of educational initiatives aimed at increasing girls’ autonomy by fostering traditional practices in the areas examined in this study. In such areas, prevention

strategies are usually based on a liberal understanding of human rights – which aims at empowering young women to stand up against patriarchal practices by relying on the Western liberal human rights tradition. Despite the merits of such an approach, the lack of monitoring and evaluation of current initiatives makes it hard to understand how the kind of education suggested translates into practice. Similarly, it is debatable whether the recommended strategy will respond to the education and support needs of the girls at risk of forced marriage, especially given that ethnic minority women are not a homogenous group – so that different educational strategies might prove to be appropriate depending on the targeted community. The lack of data on relevant prevention initiatives in the areas targeted by this research renders impossible an effective evaluation of such projects. However, it is undeniable that the increasingly shrinking funding available for such initiatives restricts the range of options available to young people at risk of or victims of forced marriage in both France and the UK. In turn, this contrasts sharply with the increasing recognition – amongst British and French policy-makers and activists alike - of the multi-faceted nature of the phenomenon, and with an official rhetoric increasingly centred on the importance of prevention strategies. Despite such rhetoric, both French and British authorities seem unwilling to engage in the kind of inter-generational transformation that is necessary to transform the discriminatory gender relations at the basis of forced unions.

As most different cases, it is particularly noteworthy that France and Great Britain – coming from opposite ideological positions about immigrant incorporation and across different policy paths – are both shifting their forced marriage prevention policy towards one based on the use of regulation (through immigration controls) and exit solutions. This common trend – if confirmed at the implementation level – is significant. When common trends appear in most different cases such as these ones, it is possible that they will have a more general validity across European states. As Joppke suggests in his study on the transformation of immigrant integration across Europe (Joppke 2007a, 244), if similar policies are adopted in two countries that have traditionally been characterized by

opposite models of integration, a strong case for policy convergence is established.

References

- Abdallah, M. H.** 2000 *J'y suis, J'y reste! Les luttes de l'immigration en France depuis les années soixante*, Paris: Publisud.
- Ahmed, L.** 1993 *Women and Gender in Islam: Historical Roots of a Modern Debate*, New Heaven and London: Yale University Press.
- Alibhai-Brown, Y.** 2000 *After Multiculturalism*, London: The Foreign Policy Center.
- An-Na'im, A.** 2000 'Forced Marriage', CIMEL and INTERIGHTS 'Honour' Crimes Project, <
<http://www.soas.ac.uk/honourcrimes/resources/file55689.pdf> >.
- Anitha, S. and A. Gill** 2009 'Coercion, Consent and the Forced Marriage Debate in the UK', in *Feminist Legal Studies*, 17: 165-184.
- Anthias, F. and N. Yuval-Davis** 1992 *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the anti-racist struggle*, London; Routledge.
- Apter, A.** 2007 'Institutionalism Reconsidered', in *Institutionalism*, Peters, B. Guy and J. Pierre, London: SAGE.
- Baldwin-Edwards, M. and M. A. Schain**, (eds) 1994 *The politics of immigration in Western Europe*, London: Cass.
- Back, L., Keith, M., Khan, A., Shukra, K. and J. Solomos** 2002 'New Labour's White Heart: Politics, Multiculturalism and the Return of Assimilation', in *The Political Quarterly* 73(4): 445-454.
- Baldwin, T.** 2004 'I want an Integrated Society with a Difference (interview with Trevor Phillips), *The Times*, 3 April.
- Bassel, L.** 2007 'Refugee Women and *La République*: participation in the French public sphere', in *Parliamentary Affairs* (60), n.3, pp. 467-81.
- Barry, B.** 2001 *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Cambridge: Polity Press.

Bates, C. 2001 *Community, empire and migration: South Asians in diaspora*, Basingstoke: Palgrave.

Baubock, R. 1992 *Immigration and the boundaries of citizenship*, London: Routledge.

Baubock, R. 2002 'Farewell to Multiculturalism ? Sharing values and identities in societies of immigration', in *Journal of International Migration and Integration* (3), n.1, pp.1-16.

Benhabib, S. 2002 *The Claims of Culture, Equality and Diversity in the Global Era*, Princeton: Princeton University Press.

Bernard, P. 1998 *L'Immigration: les enjeux de l'intégration*, Paris: L'Harmattan.

Bertossi, C. 2007a (ed) *European Anti-Discrimination and the Politics of Citizenship: France and Britain*, Basingstoke: Palgrave.

Bertossi, C. 2007b 'Les Modèles d'Intégration en France et en Grande-Bretagne. Philosophies, Politiques et Institutions Publiques', COMPAS Working Paper No. 46, <<http://www.compas.ox.ac.uk/fileadmin/files/pdfs/WP0746-Bertossi.pdf>>.

Bertossi, C. and C. Wihtol de Wenden 2007 *Les couleurs du drapeau: les armées françaises face aux discriminations*, Paris : Ministère de la Défense.

Bhopal, K. 1999 'South-Asian women and arranged marriages in East London' in *Ethnicity, Gender and Social Change*, R. Baror, H. Bradley, and S. Ferhons (eds), MacMillan Press.

Bleich, E. 1998 'From International Ideas to Domestic Policies: Educational Multiculturalism in England and France', *Comparative Politics* Vol. 31 No. 1 (Oct. 1998): 81-100.

Bleich, E. 2003 *Race Politics in Britain and France. Ideas and Policymaking since the 1960s*, Cambridge: Cambridge University Press.

Blunkett, D 2008 'New challenges for race equality and community cohesion in the 21st century', available at : <<http://www.homeoffice.gov.uk/docs3/race-speech.pdf>>

Bockel, A. 1991 *L'immigration au pays des droits de l'homme: politique et droit*, Paris : Publisud.

Bommes, M. and A. Geddes, (eds) 2000 *Immigration and welfare: Challenging the borders of the welfare state*, London, New York: Routledge.

Bonnaïfous, S. 1991 *L'immigration prise aux mots : les immigrés dans la presse au tournant des années 80*, Paris: La Découverte.

Borjas, G. J. (ed) 2000 *Issues in the economics of immigration*, Chicago, London: University of Chicago Press.

Bradby, H. 1999 'Negotiating marriage: young Punjabi women's assessment of their individual and family interests' in *Ethnicity, Gender and Social Change*, R. Baror, H. Bradley, and S. Ferhons (eds), MacMillan Press.

Breakwell, G. M, Hammond, S. and Chris Fife-Schaw 1995 *Research Methods in Psychology*, London: Sage.

Brochmann, G. and T. Hammar, 1999 *Mechanism of immigration control: a comparative analysis of European Regulation Policies*, Oxford: Berg.

Brown, K. 2006 'Realising Muslim women's rights: the role of Islamic identity among British Muslim women' in *Women's Studies International Forum* 29: 417-30.

Brubaker, R. 1989 *Immigration and politics of citizenship in Europe and North America*, Lanham: University Press of America.

Brubaker, R. 1992 *Citizenship and Nationhood in France and Germany*, Cambridge: Harvard University Press.

Brubaker, R. 2001 'The Return of Assimilation? Changing Perspectives on Immigration and its Sequels in France, Germany, and the United States', *Ethnic and Racial Studies* 24(4): 531-48.

Brubaker, R. 2003 'The Return of Assimilation? Changing Perspectives on Immigration and its Sequels in France, Germany, and the United States', in *Toward Assimilation and Citizenship: Immigrants in Liberal National States*, Joppke, C. and E. Morawska (eds), Houndmills: Palgrave: 39-58.

Byrne, R., Noll, G. and J. Vedsted-Hansen (eds) 2002 *New asylum countries: migration control and refugee protection in an enlarged European Union*, The Hague: Kluwer Law International.

- Cantle, T.** 2001 *Community Cohesion*, London: Home Office Publications.
- Capoccia, G. and R. Kelemen** 2007 'The Study of Critical Junctures: Theory, Narrative and Counterfactuals in Historical Institutionalism', in *World Politics* Vol. 59, No. 3, April 2007, pp: 341-369.
- Caponio, T.** 2010 'Grassroots Multiculturalism: Italian Cities Compared' in Caponio, T. and M. Borkert (eds) 2010 *The Local Dimension of Migration Policy-Making*, Amsterdam: Amsterdam University Press.
- Castles, S., Korac, M., Vasta, E. and S. Vertovec** 2002 *Integration: Mapping the Field*, Home Office Online Report 28/03.
- Cesarani, D. and M. Fulbrook,** 1996 *Citizenship, nationality and migration in Europe*, London: Routledge.
- Chamberlain, M.E.** 1999 *Decolonization: the Fall of the European Empires*, Oxford: Blackwell.
- Chantler, K., Gangoli, G. and M. Hester** 2009 "Forced marriage in the UK: Religious, cultural, economic or state violence?" in *Critical Social Policy* 29, pp.: 587-612.
- Cheong, P. H., Edwards, R., Goulbourne, H. and J. Solomos** 2007 'Immigration, Cohesion, and Social Capital: a Critical Review', *Critical Social Policy* Vol.27 (1): 24-49, London: Sage Publications.
- Chirac, J.** 2002 *Déclaration du 14/10/2002*, available at: <<http://discours.vie-publique.fr/notices/0270000276.html>>.
- Claireaux, F.** 2010 *Débat avec la salle*, in: *Mariages forcés, crimes dits d'honneur (actes du colloque du 8 mars 2010)*, available at: <<http://www.senat.fr/rap/r09-408/r09-4081.html>>.
- Clark, B. and C. Richards** 2008 'The prevention and prohibition of forced marriages – a comparative approach' in *ICLQ* 57, July 2008: 501-28.
- Cohen, L., and L. Manion** 2000 *Research methods in education*, New York: Routledge.
- Cohen R. and Z. Layton-Henry** 1997 *The politics of migration*, Cheltenham: E. Elgar.

Cohen, J., Nussbaum, M. and M. Howard (eds) 1999 *Is Multiculturalism Bad for Women?* NJ: Princeton University Press.

Cole, A. and P. John, 2000 "When do institutions, policy sectors, and cities matter? : Comparing networks of local policy makers in Britain and France", in *Comparative Political Studies* n.33: 248-268.

Cole, A. and P. John, 2001 *Local Governance in England and France*, New York: Routledge.

Cole, P. 2000 *Philosophies of exclusion: liberal political theory and immigration*, Edinburgh: Edinburgh University Press.

Collet. B and E. Santelli 2008 'Entre consentement et imposition. Réalités politiques et sociales des mariages dits « forcés »' in *Migrations Société* 20(119) : 47-58.

Collet, B., Philippe, C. and E. Santelli 2008 "Emergence de la question du « mariage forcé" dans l'espace public en France ", in *REVUE Asylon(s)*, N°5, septembre 2008: <<http://www.reseau-terra.eu/article809.html>>.

Commission on the Future of Multi-Ethnic Britain 2000 *The Future of Multi-Ethnic Britain: the Parekh Report*, London: Profile Books.

Commission on Integration and Cohesion 2007 *Our Shared Future*.

Conseil d'Etat 1997 *Sur le principe d'égalité*, Paris : La Documentation Française.

Conseil Général de la Seine-Saint-Denis 2006 *Femmes du Monde en Seine-Saint-Denis / 2006: Revue de Presse*.

Conseil Général de la Seine-Saint-Denis 2008 *Protocole de lutte contre les mariages forcés*, available at: www.seine-saint-denis.fr

Cornell, D. and S. Murphy 2002 'Anti-racism, Multiculturalism, and the Ethics of Identification' in *Philosophy and Social Criticism*, vol. 28, n.4, pp. 419-49

Council of Europe (COE) 2002 *Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence*.

Council of Europe (COE) 2005a *Resolution 1468 on Forced Marriage and Early Marriages of the Parliamentary Assembly*

Council of Europe (COE) 2005b *Recommendation 1723 on Forced Marriage and Early Marriages of the Parliamentary Assembly*

Cour des Comptes 2004 *L'Accueil des Immigration et l'Intégration des Populations issues de l'Immigration. Rapport au Président de la République suivi des Réponses des Administrations et des Organismes Intéressés*, available at <
<http://www.ccomptes.fr/fr/CC/documents/RPT/Immigration.pdf>>, accessed on 15/02/1981.

Crowley, J. 1994 *Immigration, « relations raciales » et mobilisations minoritaire au Royaume-Uni*, Oxford: Blackwell.

De Bruycker, P. (ed) 2000 *Les régularisations des étrangers illégaux dans l'Union Européenne*, Bruxelles: Bruylant.

DCSF (Department for Children, Schools and Families) 2010 *Violence against Women and Girls (VAWG) Advisory Group Final Report and Recommendations*, available at : <
<https://www.education.gov.uk/publications/eOrderingDownload/DCSF-00281-2010.pdf>>, accessed on 11/05/2011.

DCSF (Department for Children, Schools and Families) 2010b *Teachers to lead the way in preventing violence against women and girls 08/03/2010*, available at : <
<http://www.theresearchcentre.co.uk/feedstory/teachers-lead-way-preventing-violence-against-women-and-girls>>, accessed on 01/01/2011.

DFES (Department for Education and Skills) 2006 *Safeguarding Children and Safer Recruitment in Education*, available at :
<<https://www.education.gov.uk/publications/eOrderingDownload/Final%206836-Safeguard.Chd%20bkmk.pdf>>, accessed on 11/05/2011.

DRDFE (Délégation Régionale aux Droits des Femmes et à l'Egalité) de l'Ile-de-France 2002 *Mariages forcés : Aspects Culturels, Recours Législatifs*, September 2002

DRDFE (Délégation Régionale aux Droits des Femmes et à l'Egalité) de l'Ile-de-France 2004 *Mariages arrangés, sous contrainte, forcés : se former pour agir*, October 2004

DRDFE (Délégation Régionale aux Droits des Femmes et à l'Egalité) du Rhône-Alpes 2006a *Les mariages forcés, résultats d'une enquête menée dans le département du Rhône entre février 2004 et juin 2005*

DRDFE (Délégation Régionale aux Droits des Femmes et à l'Egalité) du Rhône-Alpes 2006b *Actes du Colloque: Mariages arrangés, forcés, sous contraintes*, 17 October 2006.

Dembour, M. C. 2001 'Following the movement of a pendulum: between universalism and relativism' in Cown, J. K., Dembour, M.C. and R. A. Wilson (eds) *Culture and Rights. Anthropological Perspectives*, Cambridge: Cambridge University Press.

Denzin, N. K. 1970 *The Research Act in Sociology*, Chicago: Aldine.

Deveaux, M. 2006 *Gender and Justice in Multicultural Liberal States*, Oxford: Oxford University Press.

Dewitte, P. (ed) 1999, *Immigration et intégration: l'état des savoirs*, Paris: La Découverte.

Dittgen, A. 2008 'Bonnes causes, mauvais chiffres' in *Plein Droit* june 2008.

Dogan, M. and A. Kazancigil 1994 *Comparing Nations: Concepts, Strategies, and Substance*, Oxford: Blackwell.

Donnelly, J. 1982 'Human Rights and Human Dignity: an Analytical Critique of non-Western conceptions of Human Rights', in *The American Political Science Review*, Vol. 76, N. 2, pp: 303-316.

Donnelly, J. 2003 *Universal Human Rights in Theory and Practice*, New York: Cornell University Press.

Donzelot, J. 2004 'Les politiques de la ville: la France en miroir des Etats-Unis' in Péliissier, M. and A. Paecht (eds) *Les modèles d'intégration en question: p. 179-84*, Paris : PUF/IRIS.

Dummet, A. 1990 *Subject, citizens, aliens and others: nationality and immigration law*, London: Weidenfeld and Nicolson.

Dummet, M. 2001 *On immigration and refugees*, London, New York: Routledge.

Durand, S. 2008 "Politique migratoire et instrumentalisation de la question du genre en contexte post-colonial. Le cas des ''mariages forcés''", in *REVUE Asylon(s)*, N°4, mai 2008, Institutionnalisation de la xénophobie en France, available at: <<http://www.reseau-terra.eu/article737.html>>.

Durand, S. and A. Krefa 2008 'Mariage forcés, polygamie, voile, certificats de virginité: décoloniser les représentations dans les associations féministes' in *Migrations Société* 20(119): 193-208.

Dustin, M. 2006 *Gender equality, cultural diversity: European comparisons and lessons*. London: LSE Gender Institute and Nuffield Foundation.

Dustin, M. and A. Phillips 2008 'Whose agenda is it?: Abuses of women and abuses of "culture" in Britain', in *Ethnicities* 8 (3): 405-24.

Dwyer, C. 1999a 'Contradictions of community: questions of identity for young British Muslim women' in *Environment and Planning A* 31: 53-68.

Dwyer, C. 1999b 'Veiled meanings: young British Muslim women and the negotiation of differences', in *Gender, Place and Culture*, Vol. 6, N. 1: 5-26.

Dwyer, C. 2000 'Negotiating Diasporic Identities: Young British South Asian Muslim Women' in *Women's Studies International Forum* 23(4): 475-86.

End Violence against Women (EVAW) 2007a *Map of Gaps Report*, available at: <
http://www.endviolenceagainstwomen.org.uk/data/files/map_of_gaps.pdf>, accessed on 12/05/2011.

End Violence against Women (EVAW) 2007b *Making the Grade?* Available at
<http://www.endviolenceagainstwomen.org.uk/data/files/evaw_mtg_uk.pdf>
> (accessed on 07/04/2011).

End Violence against Women (EVAW) 2009 *Map of Gaps 2 Report*, available at: <
http://www.endviolenceagainstwomen.org.uk/data/files/map_of_gaps2.pdf>, accessed on 12/05/2011.

Enright, M. 2009 'Choice, Culture and the Politics of Belonging: the Emerging Law of Forced and Arranged Marriage', in *The Modern Law Review* 72 (3) : 331-359.

Elunet.org 2009 3 questions à Fatima LALEM, maire-adjointe parisienne en charge de l'égalité femme/home 05/02/2009, available at: <<http://www.elunet.org/spip.php?article7589>>.

European Commission 2009 *Active against Forced Marriage*, Hamburg: the Free and Hanseatic City of Hamburg

Fallaci, O. 2001 *La Rabbia e l'Orgoglio*, Milano: Rizzoli.

Fassin, D. 2006 'La Démocratie sexuelle et le conflit des civilisations' in *Multitudes*, 2006/3 – 26 : 123-31.

Fassin, D., Morice, A. and C. Quiminal, (eds) 1997 *Les lois de l'inhospitalité : les politiques de l'immigration à l'épreuve de sans-papiers*, Paris: La Découverte.

Favell, A. 1998 *Philosophies of integration: immigration and the idea of citizenship in France and Britain*, Houndmills: MacMillan.

FCO/Department of Health 2003 *Young People Facing Forced Marriage. Draft Guidelines for Social Workers*.

Fekete, L. 2006 'Enlightened Fundamentalism? Immigration, feminism and the Right' in *Race & Class* 48(2): 1-22.

Feldblum, M. 1999 *Reconstructing Citizenship: The Politics of Immigration in Contemporary France*, New York: State University of New York Press.

Femmes de l'Immigration 2005 available at : <http://www.travail-solidarite.gouv.fr/IMG/pdf/rapport_immigration_integral070305.pdf>.

Fisher, L. 2004 'State of the Art: Multiculturalism, Gender and Cultural Identities' in *European Journal of Women's Studies* 11: 111-19.

Flanquart, H. 1999 'Un désert matrimonial: le célibat des jeunes femmes d'origine maghrébine en France' in *Terrain*, 33: 127-144.

Forced Marriage (Civil Protection) Act 2007.

Foreign and Commonwealth Office et al. 2004 *Practice guidance for social workers: Young people and vulnerable adults facing forced marriage*.

Foreign and Commonwealth Office (FCO) 2005 *Dealing with cases of forced marriage: guidance for educational professionals* (FCO, Department for Education and Skills).

Foreign and Commonwealth Office et al. 2008 *The right to choose: multi-agency statutory guidance for dealing with forced marriage*.

Foreign and Commonwealth Office et al. 2009 *Multi-agency practice guidelines: dealing with cases of forced marriage*.

Foreign and Commonwealth Office, Scottish Executive and Home Office 2006 *Forced marriage. A wrong not a right. Summary of responses to the consultation on the criminalization of forced marriage*.

Freedman, J. 2007 'Women, Islam and rights in Europe: beyond a universalist/culturalist dichotomy', in *Review of International Studies*, Vol. 33: 29-44.

Freeman, G. P 1995 'Modes of Immigration Politics in Liberal Democratic States' in *International Migration Review*.

Frey, J.H and S. M. Oishi 1995 *How to Conduct Interviews by Telephone and in Person*, London: Sage.

Fuchs, G. 1987 *Ils resteront : le défi de l'immigration*, Paris: Economica.

Gangoli, G. and K. Chantler 2009 'Is Age a Protective Factor?' in *Feminist Legal Studies* 17 (3) : 267-288.

Garbaye, R. 2007 'Crossing paths? Reconstructed integrationsim in Britain and France since 9/11', paper prepared for the international conference 'Multiculturalism and its discontents', University of Colorado at Boulder, 23-25 April 2007.

Garbaye, R. 2005 *Getting into Local Power: the Politics of Ethnic Minorities in British and French Cities*, Oxford: Blackwell Publishing.

Garbaye, R. 2000 'European Minorities, Cities, and Institutions: a Comparison of the Models of Management of Ethnic Diversity of a French and a British City', in *EUI Working Papers No. 2000/13*, Firenze: European University Institute.

George, A. 1979 'Case Studies and Theory Development: the Method of Structured, Focused Comparison' in *Diplomacy: new approaches in History, Theory and Policy*, Lauren, P. G., New York: MacMillan.

George, A. and A. Bennett 2004 *Case Studies and Theory Development*, MIT Press: Cambridge.

Gerstle, G. 2002 *American Crucible: Race and Nation in the Twentieth Century*, Princeton: Princeton University Press.

Gill, T. and S. Anitha 2009 « The illusion of protection? An analysis of forced marriage legislation and policy in the UK », in *Journal of Social Welfare and Family Law*, Vol. 31 n. 3, pp.:257-69.

Gill, A. and T. Mitra-Kahn 2010 « Moving Toward a 'Multiculturalism Without Culture': Constructing a Victim-Friendly Human Rights Approach to Forced Marriage in the UK », in *Violence against Women in South Asian Communities. Issues for Policy and Practice*, Thiara, R. K. and Gill, A. (eds), Jessica Kingsley Publishers: London and Philadelphia.

Gillette-Faye, I. 2002 *Estimation du nombre d'adolescents mineurs et jeunes majeurs menacées ou mariées de force*, Paris : GAMS, 24 January 2002.

Goodhart, D. 2004 'Too diverse?' *Prospect* (February): 30-37.

Gourévitch, J.P. 2000 *La France africaine : Islam, intégration et insécurité*, Paris: Presses Universitaires de France.

Greater London Authority (GLA) 2001 *1 in 4 : The London Domestic Violence Strategy*, available at :<http://legacy.london.gov.uk/mayor/strategies/dom_violence/dv_fullstrategy.pdf>, accessed on 12/05/2011.

Greater London Authority (GLA) 2005 *The Second London Domestic Violence Strategy*, available at :<[http://webapps01.un.org/vawdatabase/uploads/UK%20-%20greater%20london%20-%20action%20plan%20on%20domestic%20violence%20II%20\(2005\).pdf](http://webapps01.un.org/vawdatabase/uploads/UK%20-%20greater%20london%20-%20action%20plan%20on%20domestic%20violence%20II%20(2005).pdf)>, accessed on 12/05/2011.

Greater London Authority (GLA) 2009 *The Way Forward. A call for action to end violence against women*, available at :<

<http://www.london.gov.uk/archive/mayor/crime/vaw/docs/the-way-forward.pdf>>, accessed on 12/05/2011.

Gresh, A. 2007 'Mariages Forcés' in *Le blog du Monde Diplomatique*, 16.03.2007, available at <<http://blog.mondediplo.net/2007-03-16-Mariages-forces-suite>>.

Grillo, R. 2005a *The Backlash against Difference in Contemporary Europe*, Working paper CROCEVIA, 11 march 2005.

Grillo, R. 2005b *Backlash against Diversity? Identity and Cultural Politics in European Cities*, Working Paper WP-05-14, Oxford: Centre on Migration and Policy Studies, University of Oxford.

Guiné, A. and F. J. Moreno Fuentes 2007 'Engendering redistribution, recognition, and representation: the case of Female Genital Mutilation (FGM) in the United Kingdom and France', in *Politics and Society*, vol. 35 No. 3: 477-519.

Gurr, T. D. and King, D. 1987 *The State and the City*, Chicago: University of Chicago Press.

Gutmann, A. 1993 'The Challenge of Multiculturalism in Political Ethics', in *Philosophy and Public Affairs* (22), n. 3, pp. 171-206.

Haem, R. 1999 *L'entrée et le séjour des étrangers en France*, Paris: Presses Universitaires de France.

Hall, P. 1986 *Governing the Economy: the Politics of State Intervention in Britain and France*, Cambridge: Cambridge Polity Press.

Hall, P. and R. C. R. Taylor 1996 'Political Science and the Three New Institutionalisms', public lecture at the Max-Planck-Institut für Gesellschaftsforschung, May 9, 1996.

Hall, P. and R. C. R. Taylor 1998 'The Potential of Historical Institutionalism: a Response to Hay and Wincott' in *Political Studies* XLVI, pp: 958-962.

Hall, S. 2000 'The multicultural question' in Barnor Hesse (ed), *Unsettled multiculturalism(s): Diasporas, entanglements, transruptions*, London: Zed Books.

Hamaz, S. 2008 'How do diversity trainers and consultants embody anti-racism? Construction of anti-racism in the United Kingdom', in *International Journal of Sociology*, vol. 38, no. 2, Summer 2008: 30-42.

Hamel, C. 2005 'De la racialisation du sexisme au sexisme identitaire' in *Migrations et Société* 17(99-100) : 91-104.

Hamel, C. 2008 'Mesurer les mariages forcés: l'appréhension du consentement dans deux enquêtes quantitatives' in *Migrations Société* 20(119) : 59-82.

Hamel C. 2010 *Une réalité sociale*, in: *Mariages forcés, crimes dits d'honneur (actes du colloque du 8 mars 2010)*, available at: <<http://www.senat.fr/rap/r09-408/r09-4081.html>>

Hammar, T. 1990 *Democracy and the Nation-State: Aliens, Denizens and Citizens in a World of International Migration*, Aldershot: Averbury.

Hammouche, A. and G. Neyrand 2008 'Les acteurs associatifs et institutionnels face aux mariages forcés', in *Migrations Société* 20(119) : 141-155.

Hansen, R. 2000 *Citizenship and immigration in postwar Britain: the institutional origins of a multicultural nation*, Oxford: Oxford University Press.

Hargreaves, A. G. 1995 *Immigration, race and ethnicity in contemporary France*, London, New York: Routledge.

Hansen, R. and D. King 2001 'Eugenic Ideas, Political Interests, and Policy Variance: Immigration and Sterilization Policy in Britain and the US' in *World Politics* (January 2001), 237-63.

Haut Conseil à l'Intégration 1991 *La connaissance de l'immigration et de l'intégration*, Paris: La Documentation Française.

Haut Conseil à l'Intégration 1993 *L'intégration à la française*, Paris : UGE.

Haut Conseil à l'Intégration 2006 *Analyse Comparative de différents modèles d'intégration en Europe*, Avis a monsieur le Premier Ministre, Paris.

Hedstrom, P. and R. Swedberg (eds) 1998 *Social Mechanisms*, Cambridge: Cambridge University Press.

Helfter, C. 2009 'Aider les jeunes filles a pouvoir dire non', in : *Actualités Sociales Hebdomadaires*, n. 2592, 16/01/2009.

Hester et al. 2007 *Forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e)*, available at: <
<http://www.bris.ac.uk/sps/research/projects/completed/2007/rk6612/rk6612finalreport.pdf>> (accessed on 13/12/2011).

Hester et al. 2008 *Research Summary. Forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e)*, available at: <
http://www.mhs.manchester.ac.uk/projectprofilesfiles/1308/FM_RESEARCH_SUMMARY_08.pdf> (accessed on 16/09/2010).

Heritier, F. 2002 *Masculin/Féminin II : dissoudre la hiérarchie*, Paris : Odile Jacob.

Hirschman, A. O. 2003 *The rhetoric of reaction: perversity, futility, jeopardy*, Harvard University Press.

Hollifield, J. 1997 *L'immigration et l'Etat-nation à la recherche d'un modèle nationale*, Cambridge: Harvard University Press.

Home Office 2000 *A Choice by Right. The Report of the Working Group on Forced Marriage*, London: Home Office Communications Directorate.

Home Office 2002 *Secure Borders, Safe Heaven. Integration with Diversity in Modern Britain*, White Paper.

Home Office 2004 *Strength in Diversity – towards a Community Cohesion and Race Equality Strategy*, London: Home Office.

Home Office 2005 *Domestic Violence: a National Report. March 2005*, available at <
<http://www.broken-rainbow.org.uk/research/domesticviolence51.pdf>>, accessed on 12/05/2011.

Home Office 2009 *Together we can end Violence against Women and Girls: a Strategy*, available at <
http://www.thewnc.org.uk/publications/cat_view/143-policy-documents/90-violence-against-women.html>, accessed on 12/05/2010.

Home Office 2010 *Call to End Violence against Women and Girls*, available at <<http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-paper?view=Binary>>, accessed on 16/04/2011.

Home Office/FCO 2000 *Forced Marriage – The Overseas Dimension*.

Hoods, C. C. and H. Z. Margetts 2007 *The tools of government in the digital age*, London: Palgrave: MacMillan.

House of Commons 2008a *Domestic Violence, Forced Marriage and “Honour”-Based Violence*, Vol. I, London: The Stationery Office Limited.

House of Commons 2008b *Domestic Violence, Forced Marriage and “Honour”-Based Violence*, Vol. II, London: The Stationery Office Limited.

House of Commons 2011 *Forced Marriage*, London: The Stationery Office Limited.

House of Commons, Communities and Local Government Committee 2009 *Supporting People Programme, Thirteenth Report of Session 2008/2009*, available at <<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmcomloc/649/649i.pdf>> (accessed on 25/02/2011).

Hussain, A. M. 2001 *British immigration policy under the Conservative government*, The Johns Hopkins University Press.

Immergut, E. 1992a ‘The rules of the game: The logic of health policy-making in France, Switzerland, and Sweden’ in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, Steinmo, S., Thelen, K. and F. Longstreth (eds), Cambridge Polity Press: Cambridge.

Immergut, E. 1992b *Health Politics: Interests and Institutions in Western Europe*, Cambridge: Cambridge University Press.

Immergut, E. 2007 ‘The Theoretical Core of the New Institutionalism’ in *Institutionalism*, Peters, B. Guy and J. Pierre (eds), London: SAGE.

INSEE 2006 ‘Enquêtes annuelles de recensement 2004 et 2005’ in *INSEE Première*, n. 1098, August (<www.insee.fr/fr/ffc/ipweb/ip1098/ip1098.html>).

Ireland, P. 1994 *The Policy Challenge of Ethnic Diversity*, Cambridge: Harvard University Press.

Ireland, P. 2007 'Immigration, Integration, and Everyday Life in Europe's Neighbourhoods', *unpublished paper*.

Jacobson, D. 1996 *Rights across borders: immigration and the decline of citizenship*, Baltimore: The Johns Hopkins University Press.

Jama, C. 2004 'L'accompagnement sociojuridique des femmes confrontées aux mariages forcés', in *Hommes et Migrations*, n. 1248 : 23-31.

Jama, C. 2007 « Prévention de pratiques de mariage forcé », in A. Bédu, *Drpits de la famille des femmes francaises et maghrebines*, Paris : Cicade.

Jaspart, M., Brown, E. and S. Condon 2003 *Les violences envers les femmes en France: une enquête nationale*, Paris : La Découverte.

Jenkins, R. 1967 *Essay and Speeches*, London: Collins.

Johnson, M. G. 1988 "Human Rights in Divergent Conceptual Settings - How Do Ideas Influence Policy Choices?," in *Human Rights Theory and Measurement*, David Louis Cingranelli, editor, MacMillan Press, London.

Joly, D. 2007 *Comprendre les émeutes: immigrés et minorités ethniques en France et en Grande-Bretagne*, Paris : Denoël.

Joppke, C. and S. Lukes (eds.) 1999 'Introduction: Multicultural Questions', *Multicultural Questions*: 1-24, New York: Oxford University Press.

Joppke, C. 1996 'Multiculturalism and Immigration: a Comparison of the United States, Germany and Great Britain' in *Theory and Society* 25 (4): 449-500

Joppke, C. 2004 'The retreat of multiculturalism in the liberal state: theory and policy', in *The British Journal of Sociology* 55, Issue 2, pp. 237-57.

Joppke, C. 2007a 'Transformation of Immigrant Integration. Civic Integration and Antidiscrimination in the Netherlands, France, and Germany', in *World Politics* 59 (2): 243-73.

Joppke, C. 2007b 'State Neutrality and Islamic Headscarf laws in France and Germany', in *Theory and Society* 36, n.4: 313-42.

Joppke, C. 2009 *Veil*, Cambridge: Polity Press.

- Juss, S. S.** 1993 *Immigration, nationality and citizenship*, London: Mansell.
- Kassim, H. and P. Le Galès** 2010 'Exploring Governance in a Multi-Level Polity: A Policy Instruments Approach', *West European Politics*, 33 (1), 1-21.
- Kazimirski, A., Keogh, P., Kumari, V., Smith, R., Gowland, S., Purdon, S. and N. Khanum** 2009 *Forced Marriage – Prevalence and Service Response*, Department for Children, Schools and Families.
- Kelly, P.** 2002 *Multiculturalism Reconsidered*, Oxford: Blackwell Publishers.
- Khanum, N.** 2008 *Forced marriage, family cohesion and community engagement: national learning through a case study of Luton*, Equality in Diversity.
- Khellil, M.** 1991 *L'intégration des Maghrébins en France*, Paris: Presses Universitaires de France.
- Killian, C.** 2003 'The other side of the veil: North African women in France respond to the headscarf affair', in *Gender & Society* 17: 567-590.
- King, D.** 1992 'The establishment of work-welfare programs in the United States and Britain: politics, ideas and institutions', in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, Steinmo, S., Thelen, K. and F. Longstreth (eds), Cambridge Polity Press: Cambridge.
- King, G., Keohane, R. O., and S. Verba** 1994 *Designing Social Inquiry: scientific inference in qualitative research*, Princeton: Princeton University Press.
- Kivisto, P.** 2002 *Multiculturalism in a Global Society*, Oxford: Blackwell Publishing.
- Kivisto, P.** 2005 *Incorporating Diversity. Rethinking Assimilation in a Multicultural Age*, Boulder: Paradigm Publishers.
- Kivisto, P. and T. Faist** 2007 *Citizenship: Discourse, Theory, and Transnational Prospects*, London: Blackwell.
- Kofman, E.** 2000 *Gender and international migration in Europe: employment, welfare and politics*, London: Routledge.

Kofman, E., Lukes, S., Veetoo, M., and P. Aaron 2008 *Family Migration to United Kingdom: Trends, Statistics, and Policies*, Project Report, Vienna: International Centre for Migration Policy Development (ICMPD).

Kofman, E., Rogoz, M. and F. Levy 2010 *Family Migration Policies in France*, Project Report, Vienna: International Centre for Migration Policy Development (ICMPD).

Koopmans, R. and P. Statham, (eds) 2000 *Challenging immigration and ethnic relation politics: comparative European perspectives*, Oxford: Oxford University Press.

Koopmans, R. 2003 'Good Intentions Sometimes Make Bad Policy; A Comparison of Dutch and German Integration Policy', in R. Cuperus, K. A. Duffek and J. Kandel (eds) *The Challenge of Diversity. European Social Democracy Facing Migration, Integration, and Multiculturalism*, Innsbruck: Studien Verlag.

Kraler, A. 2010 *Civic Stratification, Gender and Family Migration Policies in Europe*, Final Report, Vienna: International Centre for Migration Policy Development (ICMPD).

Krasner, S. P. 1988 'Sovereignty: an Institutional Perspective', in *Comparative Political Studies* 21(1): 66-94.

Krippendorff, K. 2004 *Content Analysis: An Introduction to Its Methodology*, Thousand Oaks, CA: Sage.

Kundnani, A. 2004 'The rise and fall of British multiculturalism', in Titley, G. (ed) *Resituating Culture*, Council of Europe.

Kymlica, W. 1995a *The rights of minority cultures*, Oxford: Oxford University Press.

Kymlica, W. 1995b *Multicultural Citizenship: a liberal theory of minority rights*, Oxford: Clarendon.

Kymlica, W. 2004 'Immigration, Citizenship, Multiculturalism: Exploring the Links', in *The Political Quarterly* (71), n.1, pp. 195-208.

L'Express *Un plan contre les mariages forcés* 24/11/2005.

L'Express *Une guide pour prévenir les mariages forcés*, 25/11/2008, available at: <http://www.lexpress.fr/actualite/societe/un-guide-pour-prevenir-les-mariages-forces_711201.html>.

Laacher, S. 2008 *Femmes invisibles. Leurs mots contre la violence*, Paris, éditions Calmann-Lévy.

Lanzillo, M. L. (ed) 2002 *La questione della tolleranza. Gli autori, i dibattiti, le dichiarazioni*, Bologna : CLUEB.

Lapeyronnie, D. 1993 *L'individu et les minorités. La France et la Grande-Bretagne face à leurs immigrés*, Paris: Presses Universitaires de France.

Lassalle, D. 2002 *Les relations interethniques et l'intégration des minorités au Royaume-Uni*, Paris: L'Harmattan.

Latour, V. 2007 'Converging at Last? France, Britain, and their Minorities', in G. G. Raymond and T. Modood (eds) *The Construction of Minority Identities in France and Great Britain*", Palgrave MacMillan.

Laurence, J. 2005 (ed) 'Le conseil français du culte musulman' in *French Politics Culture and Society*, 23(1), pp. 1-129.

Lavenex, S. and Ucarer E. M. (eds) 2002 *Migration and the externalities of European integration*, Lanham: Lexington Books.

Lazaridis, M. 2004 'Les filles à l'école: de l'égalité des chances' in *Hommes et migrations*, n. 1248 : 39-46.

Layton-Henry, Z. 1992 *The politics of Immigration: immigration, "race" and "race" relations in postwar Britain*, Oxford: Blackwell.

Lascoumes, P. and P. Le Galès 2007 'Introduction: Understanding Public Policy through its Instruments – From the Nature of Instruments to the Sociology of Public Policy Instrumentation', in: *Governance: an International Journal of Policy, Administration and Institutions*, Vol. 20, No. 1, January 2007: pp. 1-21.

Le Bris, M. 2004 « Questions à Nicole Roussel, Mariages forcés : les travailleurs sociaux souvent démunis » in *ASH*, n°2381, 12 novembre 2004.

Le Galès, P. 2002 *European Cities. Social Conflicts and Governance*, Oxford: Oxford University Press.

Le Monde 2008 *Elus et juges confrontés aux mariages forcés* 19/11/2008, available at: <http://www.lemonde.fr/societe/article/2008/11/19/elus-et-juges-confrontes-aux-mariages-forces_1120445_3224.html>.

Legoux, L. 1997 *La crise de l'asile en France à la lumière des statistiques de l'immigration politique*, Paris: Presses Universitaires de France.

Lepinard, E. 2008 'Gender and multiculturalism' in Cole, A., Le Galès, P. and J. Levy (eds), *Developments in French Politics 4*, London: Palgrave MacMillan.

Levy, L. 2005 *Le Spectre du Communautarisme*, Paris : Ed. Amsterdam.

Libération *Mariages forcés: lutter par-delà les frontières*, 21/06/2010.

Libercier, M. H. 1996 *Les migrant : partenaires pour le développement*, Paris: OCDE.

Lipsky, M. 1980 *Street-level Bureaucracy; Dilemmas of the individuals in public services*, New York: Sage.

Lochak, D. 2006 'L'intégration comme injonction. Enjeux idéologiques et politiques liés à l'immigration', in *Cultures & Conflits*, n. 64, winter 2006, pp: 1-15.

London Assembly 2009 *Response to The Way Forward, the Mayor's draft strategy on combating violence against women in London*, available at:<<http://www.london.gov.uk/archive/assembly/reports/health/response-way-forward-310709.pdf>>, accessed on 12/05/2011.

MacDonald, F. 2009 'Book Review: Gender and Justice in Multicultural Liberal States', in *The Journal of Politics* 71(1): 354-56.

Mahoney, J. and K. Thelen 2010 "A Theory of Gradual Institutional Change", in *Explaining Institutional Change: Ambiguity, Agency, and Power*, in Mahoney, J. and K. Thelen (eds.), New York: Cambridge University Press.

Mallet, L. 2006 "Décentralisation de l'éducation et de la formation professionnelle: compétences sans moyens, moyens sans compétences?", in *Formation Emploi*, n. 93, janvier-mars 2006, pp. 99-113.

March, J. G. and J. P. Olsen, 1983 'The New Institutionalism: Organizational Factors in Political Life' in *The American Political Science Review*, Vol. 78, No. 3 (Sept. 1984), pp. 734-749.

March, J. G. and J. P. Olsen 2002 'Institutional Perspectives in Political Institutions' in *Public Management: Critical Perspectives*, Osborne, S. (ed), New York: Routledge.

Marques, M. M. 2004 'The dynamics of immigrant participation in local civil society', paper presented at the Metropolis General Conference, Geneva, 29 September 2004.

Marthaler, S. 2008 'Nicolas Sarkozy and the politics of French immigration policy', in *Journal of European Policy Studies* Vol. 15, Issue 3 April 2008 , pages 382 – 397.

Martiniello, M. 2000 *Le società multiethniche*, Bologna: Il Mulino.

Meer, N. and T. Modood 2008 'The Multicultural State We're In: Muslims, 'Multiculture' and the 'Civic Re-balancing of British Multiculturalism', *Political Studies*: 2008.

Meetoo, V. and H. S. Mirza 2007 'There is nothing "honorable" about honor killings: Gender, violence, and the limits of multiculturalism', in *Women's Studies International Forum* 30: 187-200.

Mekboul, S. 2008 'Le mariage forcé: réponses du droit et enjeux juridiques. Législation française et européenne' in *Migrations Société* 20(119) : 83-98.

Mekboul, S. 2010 'Ordre public matrimonial et fonction du droit', in *Dialogue* n. 187, March 2010, pp. : 69-83.

Melis, B. 2001 *Negotiating Europe's immigration frontiers*, The Hague: Kluwer Law International.

Mernissi, F. 1987 *Beyond the Veil: Male-Female Dynamics in Modern Muslim Societies*, Indianapolis: Indiana University Press.

Michel, M. 1995 *L'ère des décolonisations*, Paris: Karthala.

Miles, R. and D. Thranhardt, 1995 *Migration and European integration: the dynamics of inclusion and exclusion*, London, Pinter: Fairleigh Dickinson University Press.

Ministry of Justice 2009 *One year On: the initial impact of the Forced Marriage (Civil Protection) Act 2007 in its first year of operation*, available at: <http://www.justice.gov.uk/publications/docs/one-year-on-forced-marriage-act.pdf>, accessed on 25/02/2011.

Ministry of Justice 2011 *Judicial and Court Statistics 2011*, available at: <http://www.justice.gov.uk/downloads/publications/statistics-and-data/courts-and-sentencing/judicial-court-stats.pdf>.

Modood, T. 2005 *Multicultural Politics: Racism, Muslims, and Ethnicity in Britain*, University of Minnesota Press and University of Edinburgh Press.

Modood, T. 2007a *Multiculturalism*, Cambridge: Polity.

Modood, T. 2007b *Multiculturalism, Citizenship, and National Identity*, 16.05.2007, available at: http://www.opendemocracy.net/faith-europe_islam/multiculturalism_4627.jsp.

Modood, T., Berthoud, R. et al. 1997 *Ethnic minorities in Britain: diversity and disadvantage. Fourth national survey of ethnic minorities*, London: Policy Studies Institute.

Mons, N. 2004 « Politiques de décentralisation en éducation: diversité internationale, légitimations théoriques et justifications empiriques », in *Revue Française de Pédagogie*, n° 146, janvier-février-mars 2004, 41-52.

Moore, D. 2001 *Ethnicité et politique de la ville en France et en Bretagne*, Paris : L'Harmattan.

Moore, D. 2004 'Migrants as mediators in comparative perspective', in Penninx, R., Martiniello, M., and S. Vertovec (eds) *Citizenship in European Cities. Immigrants, Local Politics, and Integration Policies*, Ashgate: Aldershot.

Morbois, C. 2010 *Quelle prévention, quels remèdes?*, in: *Mariages forcés, crimes dits d'honneur (actes du colloque du 8 mars 2010)*, available at: <http://www.senat.fr/rap/r09-408/r09-4081.html>.

Morokvasic, M. And C. Catarino 2007 'Une (in)visibilité multiforme' in *Plein droit*, 75.

Mote, A. 2003 *Overcrowded Britain: our immigration crisis exposed*, London: Routledge.

Neyrand, G., Hammouche, A. and S. Mekboul 2008 *Les Mariages Forcés. Conflits Culturels et Réponses Sociales*, Paris : La Découverte.

Noiriel, G. 1988 *Le creuset français : Histoire de l'immigration 19-20 siècle*, Paris: Editions de Seuil.

Noiriel, G. 2001 *Etat, Nation et Immigration : vers une histoire du pouvoir*, Paris: La Documentation Française.

OECD 1998, *Immigrants, Integration and Cities*, OECD Proceedings, Paris: OECD.

North, D. C. 1990 *Institutions, Institutional Change and Economic Performance*. Cambridge University Press: New York.

Okin, S. M. 1999 "Is Multiculturalism bad for women?" in Cohen, J. and M. Howard (eds) *Is Multiculturalism bad for women?* Princeton: Princeton University Press.

Okin, S. M. 2002 "'Mistresses of thier own destiny": group rights, gender, and realistic rights of exit' in *Ethics* 112: 205-30.

Ousmaal, S. 2008 'De l'initiative personnelle aux solutions originales. L'analyse de l'expérience du groupe de travail « mariage forcés » a Lyon' in *Migrations Société* 20(119) : 155-170.

Palier, B. and Y. Surel 2005 'Les « trois I » et l'analyse de l'Etat en action', *RFSP*, 55 (1), 7-32.

Panebianco, A. 2004 'Addio Societa' Multiculturale' *Corriere della Sera*, 5 Aprile.

Panikkar, R. 1982 'Is the notion of human rights a Western concept?' in *Diogenes* 120: 75-102.

Papademetriou, D. G. 1995 *Managing uncertainty: regulating immigration flows in advanced industrial countries*, Washington D. C.: Carnegie Endowment for International Peace.

Parekh, B. 2000 *Rethinking Multiculturalism*, London: Macmillan.

Parekh, B. 2008 *A New Politics of Identity*, London: Macmillan.

Pathak, R. S. 1989 “Introductory Report on Universality of Human Rights”, in *Universality of Human Rights*, Council of Europe, Strasbourg.

Patel, P. and H. Siddiqui 2010 “Asian Women at the Intersect of Race, Religion and Gender”, in: *Violence against Women in South Asian Communities. Issues for Policy and Practice*, Thiara, R. K. and Gill, A. (eds), Jessica Kingsley Publishers: London and Philadelphia.

Peers, S. 2000 *The legal status of persons admitted for family reunion: a comparative study of laws and practice in some European States*, Strasbourg: Council of Europe.

Penninx, R. and M. Martiniello 2004 ‘Integration Processes and Policies: State of the Art and Lessons’, in Penninx, R., Kraal, K., Martiniello, M. and S. Vertovec (eds.) *Citizenship in European Cities. Immigrants, Local Politics and Integration Policies*, 139-63, Aldershot: Ashgate.

Perrineau, P. 1995 *Le Vote de crise*, Paris Presses de la FNSP.

Petek, G. 2004 ‘Mariages Forcés: de la réglementation à la réalité’ in *Hommes et Migrations*, n. 1248 : 32-8.

Peters, B. Guy and J. Pierre (eds) 2007 *Institutionalism*, London: SAGE.

Philippe, C. 2008 ‘Recours face à l’inacceptable : itinéraires de femmes refusant un mariage forcé’ in *Migrations Société* 20(119) : 171-192.

Philippe, C. 2010 ‘Resistance à l’analyse d’une contrainte conjugale: le mariage forcé’, in : *Dialogue* n. 187, March 2010, pp. : 59-68.

Phillips, A. 2007 *Multiculturalism without culture*, Princeton: Princeton University Press.

Phillips, A. and M. Dustin 2004 *UK initiatives on forced marriage: regulation, dialogue and exit*, <<http://eprints.lse.ac.uk/archive/00000546>>, London: LSE Research Online.

Phillips, A. and S. Saharso 2008 ‘Guest Editorial: the Rights of Women and the Crisis of Multiculturalism’ in *Ethnicities* 2008 8 (3): 291-301.

Pierson, P. 1997 *Path Dependency, Increasing Returns and the study of Politics*, Center for European Studies WP No. 7.7 (September), Cambridge: Center for European Studies, Harvard University.

Piet, E. 2010 *Une réalité médicale*, in: *Mariages forcés, crimes dits d'honneur (actes du colloque du 8 mars 2010)*, available at: <<http://www.senat.fr/rap/r09-408/r09-4081.html>>.

Pries L. (ed) 1999, *Migration and transnational social spaces*, Aldershot: Ashgate.

Rasmussen, H. K. 1997 *No entry: Immigration Policy in Europe*, Copenhagen: Handelsojskolens.

Razack, S. 2003 'A violent culture or culturalized violence? Feminist narratives of sexual violence against South Asian women', in *Studies in Practical Philosophy* 3(1): 80-104.

Razack, S. 2004a 'Imperiled Muslim Women, Dangerous Muslim Men and Civilized Europeans: Legal and Social Responses to Forced Marriages' in *Feminist Legal Studies* 12: 129-74.

Razack, S. 2004b 'Geopolitics, Culture Clash and Gender after 911', working paper from 'A Conference on Women, Feminism & the Law', Women's Legal Service, Brisbane October 2004.

Rex, J. 1996 *Ethnic Minorities in the Modern Nation State*, London: Macmillan Press.

Rocherieux, J. 2010 *Débat avec la salle*, in: *Mariages forcés, crimes dits d'honneur (actes du colloque du 8 mars 2010)*, available at: <<http://www.senat.fr/rap/r09-408/r09-4081.html>>.

Rude-Antoine, E. (ed) 1992 *L'immigration face aux lois de la République*, Paris: Karthala.

Rude-Antoine, E. 2005 *Les Mariages Forcés dans les Etats membres du Conseil d'Europe : Législation Comparée et Actions Politiques*, <<http://www.coe.int/equality/fr/>>, Strasbourg : Conseil d'Europe.

Rude-Antoine, E. 2010 'Prevenir et lutter contre les mariages forcés : les mesures législatives et les actions politiques en Europe', in : *Dialogue* n. 187, March 2010, pp. : 99-110.

Rude-Antoine, E. 2011 *Mariage Libre, Mariage Forcé ?*, Paris : L'Harmattan.

Runnymede Trust 2006 *Integration: the PM 's Speech, of 8 December 2006* Bulletin n.346

Saghal, G. and N. Yuval-Davis (eds) 1992 *Refusing Holy Orders: Women and Fundamentalism in Britain*, London: Virago.

Sala Pala, V. And P. Simon 2007 *Public and Political Debates on Multicultural Crises in France*, EMILIE Report on Multicultural Debates

Samad, Y. and J. Eade 2002 'Community Perceptions of Forced Marriage',
<http://redhotcurry.net/pdfs/forced_marriages_research_report.PDF>, FCO.

Santelli, E. And B. Collet 2008 'Refuser un « mariage forces » ou comment les femmes réagissent-elles face a l'imposition parentale ?' in *Migrations Société* 20(119) : 209-228.

Sartori, G. 2002 *Pluralismo, Multiculturalismo e Estranei*, Milano: Rizzoli.

Savarèse, E. 2000 *Histoire coloniale et immigration : une invention de l'étranger*, Paris: La Documentation Française.

Schnapper, D. 1992 *L'Europe des immigrés : essai sur les politiques d'immigration*, Paris: L'Harmattan.

Schor, R. 1996 *Histoire de l'immigration en France de la fin du XIX siècle à nos jours*, Paris: Colin.

Schuck, P. H. 1998 *Citizens, strangers, and in-betweens: essays on immigration and citizenship*, Oxford: Westview Press.

Selznick, P. 2007 'Institutionalism "Old" and "New"', in *Institutionalism*, Peters, B. Guy and J. Pierre, London: SAGE.

Sen, A. 2006 *Identity and Violence*, London: Allen Lane.

Sénat 2010 *Débat avec la salle*, in: *Mariages forcés, crimes dits d'honneur (actes du colloque du 8 mars 2010)*, available at: <<http://www.senat.fr/rap/r09-408/r09-4081.html>>.

Shachar, A. 1999 in Joppke, C. and S. Lukes (eds.) 1999 'The Paradox of Multicultural Vulnerability: Individual Rights, Identity Groups, and the

State', *Multicultural Questions*: 88-111, New York: Oxford University Press.

Shachar, A. 2001 *Multicultural jurisdictions: cultural differences and women's rights*, Cambridge: Cambridge University Press.

Siddiqui, H. 2005 "'There is no 'honour' in domestic violence, only shame!'" Women's struggles against "honour" crimes in the UK', in Welchman and Hossain eds.

Sieber, S. D. 1981 *Fatal Remedies: the ironies of social intervention*, New York: Plenum Press.

Siim, B. 2000 *Gender and citizenship. Politics and agency in France, Britain and Denmark*, Cambridge: Cambridge University Press.

Siim, B. 2007 'The Challenge of Recognizing Diversity from the Perspective of Gender Equality: Dilemmas in Danish Citizenship', in *Critical Review of International and Social Political Philosophy*, Vol. 10, No. 4, pp: 491-511.

Silverman, M. 1992 *Deconstructing the nation: immigration, racism and citizenship in Modern France*, New York: Routledge.

Silverman, M. 2007 'The French Republic Unveiled', in G. G. Raymond and T. Modood (eds) *The Construction of Minority Identities in France and Great Britain*, Palgrave MacMillan.

Simon, J. L. 1999 *The economic consequences of immigration*, Ann Arbor: The University of Michigan Press.

Simon, P. 2002 'When de-segregation produces stigmatization: ethnic minorities and urban policies in France', in Martiniello, M. and B. Piquard (eds) *Diversity in the City*: p. 61-91, Bilbao: HumanitarianNet.

Simon, P. 2003 'La lutte contre les discriminations: la fin de l'assimilation à la française?', *Mouvements* 2003 – 3 (No. 27-8).

Simon, P. 2006 'We're not all multiculturalists yet. France's swinging between hard integration and soft anti-discrimination', *Reassessing Multiculturalism in Europe. Critical debates, changing policies and concrete practices*, IMISCOE International Workshop 30 Jun3 – 1 July 2006, University of Oxford.

Simon, P. and M. Clément 2006 'Comment décrire la diversité des origines en France?' in *Population et Société*, n. 425, July.

Skjeie, H. 2008 'Multidimensional Equalities' in *European Journal of Women's Studies* 15: 424-29.

Solomos, J. 2003 *Race and Racism in Contemporary Britain*, Third Edition, London: Palgrave Macmillan.

Southall Black Sisters 2001 *Forced Marriage: an abuse of human rights. One year after 'A Choice by Right'*, London: Southall Black Sisters.

Spencer, I. R. G. 1997 *British Immigration policy since 1939: the making of multi-racial Britain*, London: Routledge.

Stasi, B. 2003 *Rapport de la commission de réflexion sur l'application du principe de laïcité dans la République remis au président de la république le 11 décembre 2003*, Paris : La Documentation Française.

Stasi, B. 2004 *Vers la haute autorité de lutte contre les discriminations et pour l'égalité*, Paris : Rapport au Premier Ministre.

Steinmo, S., Thelen, K. and F. Longstreth (eds) 1992 *Structuring Politics: Historical Institutionalism in Comparative Analysis*, Cambridge Polity Press: Cambridge.

Steinmo, S. and C. J. Tolbert 1998 'Do Institutions Really Matter?', in *Comparative Political Studies*, 31(2), pp: 165-87.

Stora, B. 1992 *Ils venaient d'Algérie : histoire de l'immigration algérienne en France : 1912-1992*, Paris: L'Harmattan.

Storhaug, H. 2004 *Human Visas: A Report from the Front Lines of Europe's Integration Crisis*, <www.kolofon.com> (30 January 2004).

Stovasser, B. 1998 'Gender Issues and Contemporary Quran Interpretation', in Y. Yazbeck Haddad and J. L. Esposito (eds.), *Islam, Gender and Social Change*, Oxford: Oxford University Press.

Streeck, W. and K. Thelen (eds) 2005 *Beyond continuity : Institutional Change in Advanced Political Economies*, Oxford : Oxford University Press.

Supreme Court 2011 *Judgement given on 12 October 2011*, available at: <http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2011_0022_Judgment.pdf> (accessed on 25/10/2011).

Taylor, C. 1994 *Multiculturalism: examining the politics of recognition*, Princeton: Princeton University Press.

Thatcher, M. 1999 *The politics of telecommunications: National Institutions, Convergence, and Change*, Oxford: Oxford University Press.

Thatcher, M. 2007 *Internationalization and Economic Institutions: Comparing European Experiences*, Oxford: Oxford University Press.

Thelen, K. and S. Steinmo 1992 'Historical institutionalism in comparative politics' in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, Steinmo, S., Thelen, K. and F. Longstreth (eds), Cambridge Polity Press: Cambridge.

Thelen, K. 1999 'Historical Institutionalism in Comparative Politics' in *Annual Review of Political Science* 2, 369-404.

The Guardian 2010 *Gay Men become Victims of Forced Marriage*, available at: <<http://www.guardian.co.uk/world/2010/jul/01/gay-men-forced-marriage>> (accessed on 25/02/2011).

The Times 2010 *Special protection orders save nine-year-olds from forced marriages*, available at: <<http://www.timesonline.co.uk/tol/news/uk/article6981134.ece>> (accessed on 21/08/2010).

Thiara, R. K. and Gill, A. 2010 *Violence against Women in South Asian Communities. Issues for Policy and Practice*, Thiara, R. K. and Gill, A. (eds), Jessica Kingsley Publishers: London and Philadelphia.

Thomas, B., 1954 *Migration and economic growth: a study of Great Britain and the Atlantic economies*, Cambridge: Cambridge University Press.

Trobe, K. 1991 *Understanding race relations*, Cheltenham: Thornes.

Uçarer, E. M. and D. J. Puchala, 1997 *Immigration into Western Societies*, London: Pinter.

- Uitemark, J., Rossi, U., and H. van Houtum** 2004 'Reinventing Multiculturalism: Urban Citizenship and the negotiation of ethnic diversity in Amsterdam', in *Research and training network urban Europe*, n. 11, 2004
- United Nations** 2006 *Secretary General's Report on Violence against Women*
- Vasta, E.** 2006 *From Ethnic Minorities to Ethnic Majority Policy: changing identities and the shift to assimilationism in the Netherlands* Working Paper WP-06-26, Oxford: Centre on Migration and Policy Studies, University of Oxford.
- Vasta, E.** 2007 *Accommodating Diversity: why Current Critiques of Multiculturalism miss the point* Working Paper WP-53, Oxford: Centre on Migration and Policy Studies, University of Oxford.
- Vertovec, S.** 2001 'Transnational challenges to the "New Multiculturalism"', Working Paper WP-TC-01-06, Paper presented to the ASA Conference, University of Sussex, 30 March – 2 April 2001.
- Vertovec, S. and S. Wessendorf** 2006 'Migration and Cultural, Religious and Linguistic Diversity in Europe: an overview of issues and trends', *COMPAS Working Paper*, Oxford: University of Oxford.
- Viet, V.** 1998 *La rance immigrée. Construction d'une politique. 1914-1997*, Paris : Fayard.
- Voix des Femmes** 2009 *Etude de Faisabilité du CAVI 2008/2009 : Bilan d'Etape au 22 Juin 2009*
- Wacquant, L.** 1993 'Urban Outcasts: Stigma and Division in the Black American Ghetto and the French Periphery', in Lin, J. and C. Mele (eds) 2005 *The Urban Sociology Reader*, London: Routledge.
- Wacquant, L.** 2006 'French working class banlieues and black American ghetto: from conflation to comparison', in *Qui Parle*, pp.2-21, Fall 2006.
- Walzer, M.** 1997 *On Toleration*, New Heaven: Yale University Press.
- Weatherley, R. and M. Lipsky** 2002 'Street-Level Bureaucrats and Institutional Innovation: Implementing Special Education Reform', in *Public Management: Critical Perspectives*, Osborne, S. (ed), New York: Routledge.

Weber, E. 1989 *Maghreb Arabe et Occident Français: Jalon pour une (re)connaissance interculturelle*, Toulouse: Presse Universitaire du Mirail, Paris: Publisud.

Weil, P. 1990 *L'analyse d'une politique publique : la politique française d'immigration, 1974-1988*, Paris: Presses Universitaires de France.

Weil, P. 1995 *La France et ses étrangers*, Paris: Gallimard.

Weil, P. 2005 *La République et sa Diversité. Immigration, Intégration, Discriminations*. Paris: Editions du Seuil.

Weill, N. 2006 'The Debate on Laïcité in France', in *French Politics, Culture and Society* <
<http://www.people.ku.edu/~rminor/REL773downloads/France%201.pdf>>.

Weiner, M. 1995 *The Global Migration Crisis: Challenge to States and to Human Rights*, New York: Harper Collins.

Weiner, M. and S. Stanton Russel, (ed) 2001 *Demography and national security*, Oxford: Bershahn Books.

Werbner, P. 2007 'Veiled Interventions in Pure Space: Shame and Embodied Struggles among Muslims in Britain and France', in *Theory, Culture and Society* 24 (2): 161-186.

Wihtol de Wenden, C. 1987 *Citoyenneté, nationalité et immigration*, Paris: Presses Universitaires de France.

Wihtol de Wenden, C. 1988 *Les immigrés et la politique*, Paris: Presses de la FNSP.

Wihtol de Wenden, C. 1999 *L'immigration en Europe*, Paris: La documentation française.

Wihtol de Wenden, C 2006 'Urban Riots in France', in *SAIS Review vol. XXVI no.2*, the Johns Hopkins University Press.

Wihtol de Wenden, C. 2007 'Debating Cultural Difference in France', in G. G. Raymond and T. Modood (eds) *The Construction of Minority Identities in France and Great Britain*, Palgrave MacMillan.

Wikan, U. 2002 *Generous Betrayal*, Chicago: Chicago University Press.

Wilson, A. 2007 'The forced marriage debate and the British state' in *Race & Class* 49(1): 25-38.

Wilson, A. 2010 "Charting South Asian women's struggles against gender-based violence", in: Thiara, R. K. and A. K. Gill, *Violence against women in South Asian communities: Issues for Policy and Practice*, London: Jessica Kingsley Publishers.

Wilson, K. 2007 'Agency' in Blakely, G. and V. Bryson *The impact of feminism on political concepts and debates*, Manchester University Press.

Women's National Commission 2009 *Still we rise*, available at:<http://www.wrc.org.uk/includes/documents/cm_docs/2010/s/still_we_rise_wnc_focus_groups_report_nov09.pdf>, accessed on 12/05/2011.

Worley, C. 2005 'It's not about race. It's about community': New Labour and 'community cohesion', *Critical Social Policy* 25(4): 483-496.

Wunder, B. 1995 'Le modèle napoléonien d'administration: aperçu comparatif', in B. Wunder (ed) *Les Influences du modèle napoléonien d'administration sur l'organisation administrative des autres pays*, Brussels: International Institute of Administrative Sciences.

Young, C. 1993 *The rising tide of cultural pluralism*, Madison: University of Wisconsin Press.

Young, K. and N. Connelly 1981 *Policy and Practice in the multi-racial City*, Policy Studies Institute (PSI) (November 1981), London: PSI.

Young, I. M. 1997 *Intersecting Voices: Dilemmas of Gender, Political Philosophy, and Policy*, Princeton: Princeton University Press.

Young, I. M. 1990 *Justice and the Politics of Difference*, Princeton: Princeton University Press.

Yuval-Davis, N. 1992 'Fundamentalism, multiculturalism and women in Britain' in "*Race*", *Culture and Difference*, Donald and Rattansi (eds): 279-82.

Yuval-Davis, N. 2006 'Belonging and the politics of belonging', in: *Patterns of Prejudice* 40, pp: 197-207.

Zincone, G., and T. Caponio, 2005 *The multilevel governance of migration—State of the Art Report (Cluster C9)*, Working Paper WP-3, Amsterdam: International Migration, Integration, and Social Cohesion, Institute for Migration and Ethnic Studies, Universiteit van Amsterdam.

Zolo, D. (ed) 1999 *La cittadinanza*, Bari: Laterza.

APPENDIX 1

List of Respondents (UK)

Academic Sector Respondents

1. Dr. Kathidja Chantler, University of Manchester
2. Dr. Aisha Gill, Roehampton University
3. Prof. Liz Kelly, Child and Woman Abuse Studies Unit, London Metropolitan University
4. Dr. Amrit Wilson, University of Huddersfield and Royal Holloway College

Statutory Sector Respondents

1. Nazir Afzal, Crown Prosecution Service
2. Philippa Chipping, Domestic Violence Coordinator, Tower Hamlets
3. Maureen Connolly, Birmingham and Solihull Women's Aid
4. Gabby Crane, Gender Equality Opportunities Office
5. Eve Featherstone, Domestic Violence Coordinator, Haringey Council
6. Paula Harding, Domestic Violence Coordinator, Birmingham
7. Joanne Harker, Department for School Children and Families (now Department for Education)
8. Olaf Henricson-Bell, Forced Marriage Unit
9. Davina James-Hanman, Home Office Specialist Advisor to the Violence against Women and Girls (VAWG) Team
10. Janet Johnson, Local Safeguarding Children Board, Hounslow
11. Sarah Morgan, Government Equalities Office
12. Ian Timpany, teacher at Central Foundations Girls School in Tower Hamlets, and another teacher who wishes to stay unnamed
13. Poppy Banerjee at Tower Hamlets College of Further Education and two colleagues who wish to stay unnamed

Voluntary Sector Respondents

1. Asma Ashraf, crisis worker, King's College Hospital NHS Trust
2. Cassandra Balchin, Women Living under Muslim Laws
3. Kulvinder Chohan, Roshni
4. Shaista Ghori, Muslim Women's Network
5. Rahila Gupta, writer and journalist
6. Sue Moffet, New Vic Theatre

7. Anjoum Mouj, Imkaan
8. Tracey Palmer, Ashram
9. Ila Patel, Asha Project
10. Pragna Patel, Southall Black Sisters
11. Estelle Robinson, FORWARD
12. Sumanta Roy, Imkaan
13. Jasvinder Sanghera, Marma Nirvana
14. Kaveri Sharma, Newham Asian Women's Project
15. Hannana Siddiqui, Southall Black Sisters
16. Shahien Taj, The Henna Foundation
17. Shaminder Ubhi, Ashiana
18. Janet Veitch, Ending Violence against Women Campaign / The Women's National Commission
19. Hully Wolderufael, Changing Lives

List of Respondents (FRANCE)

Academic Sector Respondents

1. Dr. Beate Collet, Université Paris 4
2. Prof. Abdelhafid Hammouche, Université Lille 1
3. Prof. Gérard Neyrand, Université de Toulouse
4. Dr. Claudine Philippe, Université Paris 13
5. Dr. Edwige Rude-Antoine, Centre de Recherche Sens, Etique,Société, Univeristé Paris 5
6. Dr. Emmanuelle Santelli, Centre Nationale de la Recherche Scientifique (CNRS), Lyon

Statutory Sector Respondents

1. Amellou, Protection Maternelle et Infantile, Paris
2. Nafis Ba, social worker, Cellule de Recueil des Informations Preoccupantes (CRIP 93), Seine Saint-Denis
3. Marc Bablet, Inspecteur d'Academie ajoint, Seine Saint-Denis
4. Caroline Barbelane Biais, Observatoire des Violences envers les Femmmes, Seine Saint-Denis
5. Martine Beauplet, nurse/obstetrician, Paris
6. Veronique Gueneau, Responsable Departmentale de l'Académie de la Seine Saint-Denis
7. Christine Guillemaut, Observatoire Egalité Hommes/Femmes, Paris
8. Christine Jollivet, school nurse, Direction de l'Action Sociale, de l'Enfance et de la Santé (DASES), Paris
9. Aurelie Latoures, Délégation Régionale aux Droits des Femmes et l'Egalité (DRDFE), Ile-de-France
10. Anna Martinais, Observatoire des Violences envers les Femmmes, Seine Saint-Denis
11. Maryvonne Noel, school nurse, Paris
12. Dr. Emmanuelle Piet, medical doctor, Protection Maternelle et Infantile, Seine-Saint-Denis
13. Genevieve Richard, medical doctor responsible for school health, Direction de l'Action Sociale, de l'Enfance et de la Santé (DASES), Paris
14. Ernestine Ronai, President, Observatoire des Violences envers les Femmmes, Seine Saint-Denis
15. Yamina Zimini, Director, Cellule de Recueil des Informations Preoccupantes (CRIP 93), Seine Saint-Denis
16. Henriette Zoughebi, vice-president responsible for high-school and educational policies, Conseil Régional d'Ile-de-France

17. School staffers (at least one per school) from the following high schools were interviewed in Paris and Lyon but wish to stay unnamed: *lycée Etienne Dolet* (Paris), *lycée Martin Nadaud* (Paris), *lycée Henri Barbusse*, *lycée Sabatier* (Seine-Saint-Denis), *lycée A. Costes* (Seine-Saint-Denis), *lycée Branly* (Lyon), *lycée La Mache* (Lyon).

Voluntary Sector Respondents

1. Zeliha Alkis, Eller
2. Sokhna Fall, anthropologist
3. Isabelle Gillette-Faye, GAMS
4. Christine Jama, Voix de Femmes
5. Sarah Mekboul, criminologist/jurist
6. Saida Ousmaal, secondary school teacher (Lyon)
7. Sabine Panet, TOSTAN
8. Gaye Petek, Elele
9. Lydia Ruprecht, Division for Gender Equality, UNESCO
10. Sabine Salmon, Femmes Solidaires
11. Fatoumata Traoré, L'association Fatoumata pour l'émancipation des femmes
12. Linda Weil-Curiel, lawyer and human rights activist