



## MARITAL CAPTIVITY

**What is it?**  
**Who is affected?**  
**Why is it important?**  
**What can be done?**

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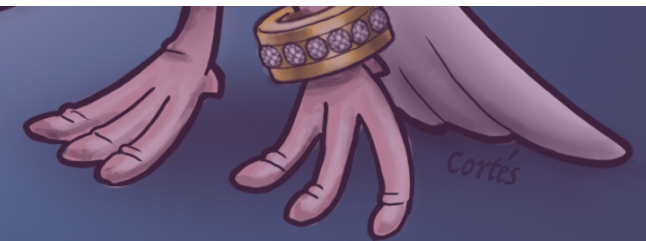
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# Marital Captivity



# WHAT IS MARITAL CAPTIVITY?

A situation in which one spouse is unable to terminate their religious marriage and are **forced** against their own will **to remain married**. They were either only married under religious law or obtained a divorce through civil law under the legislation of the country of residency. However, they cannot obtain a divorce from their religious nor civil marriage under the law of their country of origin due to the fact that their spouse does not cooperate.

## Impact on Women

Marital captivity occurs jointly with other harmful practices, such as **domestic violence, exploitation, financial extortions, honour-related violence** and **forced marriages**, which become a barrier for women to seek a divorce and decide to stay and endure such practices.

## Who deals with it?

Marital captivity is prevalent in **Islam, Judaism, Catholicism, and Hinduism**. Women with a **bicultural background** and in situations of **vulnerability** are predominantly affected and are more likely to end up in a situation of marital imprisonment.

The reason behind this is that women are at a disadvantage compared to men in terms of their ability to end the marriage.

## Is there a solution?

Yes, Femmes for Freedom successfully launched a **political lobby** to broaden the definition of forced marriage to include marital captivity under the Marriage Coercion, Polygamy and Genital Mutilation Act in The Netherlands. Marital captivity can be punished as a **criminal offense** against the personal freedom of the spouse. This makes the Netherlands the first country in the world to recognize marital captivity as a criminal offense.

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# WHY IS IT IMPORTANT?

Marital captivity clearly **violates women's rights** under the Universal Declaration of Human Rights (UDHR) and the CEDAW. It reaffirms the violence against women stipulated by the Istanbul Convention.

Marital captivity is a clear aggression towards the **physical and mental integrity** of trapped spouses. It impairs the woman's free and full autonomy to live and shape their own life according to their own wishes.

